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**ABRIDGMENT**

**OF THE**

**DEBATES OF CONGRESS,**

**FROM 1789 TO 1856.**

**FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR  
REGISTER OF DEBATES; AND FROM THE OFFICIAL  
REPORTED DEBATES, BY JOHN C. RIVES.**

**BY**

**THE AUTHOR OF THE THIRTY YEARS' VIEW.**

**VOL. IV.**

**NEW YORK:**

**D. APPLETON & COMPANY, 346 & 348 BROADWAY.**

**1857.**

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# TENTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, NOVEMBER 7, 1808.

## PROCEEDINGS IN THE SENATE.

MONDAY, November 7, 1808.

Conformably to the act, passed the last session, entitled "An act to alter the time for the next meeting of Congress," the second session of the tenth Congress commenced this day; and the Senate assembled at the city of Washington.

### PRESENT:

GEORGE CLINTON, Vice President of the United States and President of the Senate.

NICHOLAS GILMAN and NAHUM PARKER, from New Hampshire.

TIMOTHY PICKERING, from Massachusetts.

JAMES HILLHOUSE and CHAUNCEY GOODRICH, from Connecticut.

BENJAMIN HOWLAND and ELISHA MATHESON, from Rhode Island.

STEPHEN R. BRADLEY and JONATHAN ROBINSON, from Vermont.

SAMUEL L. MITCHELL and JOHN SMITH, from New York.

JOHN CONDIT and AARON KITCHEL, from New Jersey.

SAMUEL MACLAY, from Pennsylvania.

SAMUEL WHITE, from Delaware.

WILLIAM B. GILES, from Virginia.

JAMES TURNER, from North Carolina.

THOMAS SUMTER and JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD, from Georgia.

BUCKNER THRUSTON and JOHN POPE, from Kentucky.

DANIEL SMITH, from Tennessee.

EDWARD TIFFIN, from Ohio.

JAMES LLOYD, jun., appointed a Senator by the Legislature of the State of Massachusetts, to supply the place of John Quincy Adams, resigned, took his seat in the Senate, and produced his credentials, which were read, and the oath prescribed by law was administered to him.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business; and that Messrs. BRADLEY and POPE be a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their

part, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled and ready to proceed to business; and that the House had appointed a committee on their part, jointly with the committee appointed on the part of the Senate, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled.

*Resolved*, That JAMES MATHERS, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

On motion, by Mr. BRADLEY,

*Resolved*, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. BRADLEY reported, from the joint committee, that they had waited on the President of the United States, agreeably to order, and that the President of the United States informed the committee that he would make a communication to the two Houses at 12 o'clock to-morrow.

TUESDAY, November 8.

SAMUEL SMITH and PHILIP REED, from the State of Maryland, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

It would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking

their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole, or in part, of the several embargo laws. Our Ministers at London and Paris were instructed to explain to the respective Governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged, on all sides, had been reluctantly obstructed. As each of those Governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. The instructions of our Ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge therefore of a suspension of the embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state, explicitly, on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her Orders of Council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British Orders. The arrangement has, nevertheless, been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the Executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war, if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which, on other occasions, have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of foreign edicts against our commerce, with the instructions given to our Ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussions relating to the attack by a British ship of war on the frigate *Chesapeake*, left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British Government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen, in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelative case of the Orders in Council. The instructions which had been given to our Minister at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since our last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary Powers we continue in harmony, with the exception of an unjustifiable proceeding of the Dey of Algiers towards our Consul to that Regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the Executive authority.

Of the gun boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction when it shall be deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting; and in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present you a statement of the number engaged.



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*The Embargo.*

[SENATE.]

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians, too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will hereafter be transmitted from the Treasury. In the mean time, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the Treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or, shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this, the last occasion which will occur, of addressing the two Houses of the Legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth my errors have been of the understanding, not of intention, and that the advance-

ment of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our Republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness. TH. JEFFERSON.

NOVEMBER 8, 1808.

The Message and papers were in part read, and one thousand copies ordered to be printed for the use of the Senate.

A confidential Message was also received, with sundry documents therein referred to, which were read for consideration.

WEDNESDAY, November 9.

JESSE FRANKLIN, from the State of North Carolina, attended.

FRIDAY, November 11.

A message from the House of Representatives informed the Senate that the House have appointed the Rev. Mr. BROWN a Chaplain to Congress, on their part, during the present session.

MONDAY, November 14.

JOSEPH ANDERSON, from the State of Tennessee, and ANDREW MOORE, from the State of Virginia, attended.

WEDNESDAY, November 16.

ANDREW GREGG, from the State of Pennsylvania, attended.

MONDAY, November 21.

*The Embargo.*

This being the day fixed for the discussion of the following resolution, offered by Mr. HILLHOUSE:

*Resolved*, That it is expedient that the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto, be repealed; and that a committee be appointed to prepare and report a bill for that purpose:

Mr. HILLHOUSE opened the debate. When the reporter entered the Senate chamber, Mr. H. had been speaking for a few minutes, and was then discussing the effect which the embargo had had upon France, and the light in which it was viewed by her rulers. He alluded to the declaration of satisfaction at the measure, contained in a late French exposé, and made many observations tending to show that it was not a measure of hostility or coercion, as applied to France.

On England it had little or no effect. Her resources were immense. If deprived of a supply of grain here, she could obtain it elsewhere. The Barbary Powers were at war with France

and at peace with England, who might thence obtain wheat in any quantity she pleased. Great Britain, he said, was a nation with the whole world before her; her commerce spread over every sea, and she had access to almost every port and clime. Could America expect to starve this nation? It was a farce, an idle farce. As to her West India Islands, they raised Indian corn; all their sugar plantations could be converted into corn-fields, and would any man say that they would starve because they could not get superfine flour? Was this a necessary of life without which they could not subsist? On the contrary, a great proportion of the American people subsisted on it, and enjoyed as good health as if they ate nothing but the finest of wheat flour. The moment people understood that they could not get their necessary supplies from a customary source, they would look out for it in another quarter, and ample time had been given to them to make arrangements for this purpose. A man of the first respectability in the town in which Mr. H. lived, had been there during this embargo, under the President's permission. What accounts did he bring? Why, that the trade in corn-meal and live cattle, articles of great export from Connecticut, and comprising not only the product of that State, but of parts of the neighboring States, would be entirely defeated; that, where they had formerly sent a *hundred* hogsheads of meal, they would not now find vent for *ten*; and that, from South America, where cattle had, in times past, been killed merely for their hides and tallow, cattle in abundance could be procured. Were these people to be starved out, when they could actually purchase cheaper now from other places than they had formerly done from us? No; the only consequence would be, and that too severely felt, that we should lose our market; the embargo thus producing, not only present privation and injury, but permanent mischief. The United States would have lost the chance of obtaining future supplies, they would have lost their market, and ten or twenty years would place them on the same footing as before. Mr. H. said the West Indians would have learnt that they can do without us; that they can raise provisions cheaper on their own plantations than we can sell them; and knowing this, they would never resort to us. Though we might retain a part of this commerce, the best part would be lost forever. The trade would not be worth pursuing; though this might answer one purpose intended by the embargo, and which was not expressed.

Having considered the article of provisions as important to various parts of the Union, Mr. H. said he would now turn to another article, cotton. It had been very triumphantly said, that the want of this article would distress the manufacturers of Great Britain, produce a clamor amongst them, and consequently accelerate the repeal of the Orders in Council. Mr. H. said he would examine this a little, and see

if all the evil consequences which opened on him at the time of the passage of the embargo law were not likely to be realized. He had hinted at some of them at that time, but the bill had gone through the Senate like a flash of lightning, giving no time for examination; once, twice, and a third time in one day, affording no time for the development of all its consequences. This article of cotton was used not only by Britain, but by France and other nations on the Continent. Cotton, not being grown in Europe, must be transported by water carriage. This being the case, who would now be most likely to be supplied with it? Not the Continental Powers who have so little commerce afloat nor any neutrals to convey it to them; for the United States were the only neutral which, of late, traded with France, and now the embargo was laid, she had no chance of getting it, except by the precarious captures made by her privateers. To Great Britain, then, was left the whole commerce of the world, and her merchants were the only carriers. Would not these carriers supply their own manufacturers? Would they suffer cotton to go elsewhere, until they themselves were supplied? America was not the only country where cotton was raised; for he had seen an account of a whole cargo brought into Salem from the East Indies, and thence exported to Holland, with a good profit. Cotton was also raised in Africa, as well as elsewhere; and this wary nation, Great Britain, conceiving that the United States might be so impolitic as to keep on the embargo, had carried whole cargoes of the best cotton seed there for the purpose of raising cotton for her use. Great Britain had possessions in every climate on the globe, and cotton did not, like the sturdy oak, require forty or fifty years to arrive at maturity; but, if planted, would produce a plentiful supply in a year. Thus, then, when this powerful nation found America resorting to such means to coerce her, she had taken care to look out for supplies in other quarters; and, with the command of all the cotton on the globe which went to market, could we expect to coerce her by withholding ours? Mr. H. said no; all the inconvenience which she could feel from our measure had already been borne; and Great Britain was turning her attention to every part of the globe to obtain those supplies which she was wont to get from us, that she might not be reduced to the humiliating condition of making concession to induce us to repeal our own law, and purchase an accommodation by telling us that we had a weapon which we could wield to her annoyance. Mr. H. wished to know of gentlemen if we had not experience enough to know that Great Britain was not to be threatened into compliance by a rod of coercion? Let us examine ourselves, said he, for if we trace our genealogy we shall find that we descend from them; were they to use us in this manner, is there an American that would stoop to them? I hope not; and neither will that nation, from which we are de-

NOVEMBER, 1806.]

*The Embargo.*

[SENATE.]

scoended, be driven from their position, however erroneous, by threats.

This embargo, therefore, instead of operating on those nations which had been violating our rights, was fraught with evils and privations to the people of the United States. They were the sufferers. And have we adopted the monkish plan of scourging ourselves for the sins of others? He hoped not; and that, having made the experiment and found that it had not produced its expected effect, they would abandon it, as a measure wholly inefficient as to the objects intended by it, and as having weakened the great hold which we had on Great Britain, from her supposed dependence on us for raw materials.

Some gentlemen appeared to build up expectations of the efficiency of this system by an addition to it of a non-intercourse law. Mr. H. treated this as a futile idea. They should however examine it seriously, and not, like children, shut their eyes to danger. Great Britain was not the only manufacturing nation in Europe. Germany, Holland, France, Spain, Portugal, and Italy, manufactured more or less, and most of them had colonies, the exclusive supply of whose manufactures they had heretofore reserved to themselves. While we had enjoyed the carrying trade, we had supplied the deficiency in navigation of those nations; and all the inconvenience felt for the want of it ceased because we stepped in and aided them. This trade had been cut up, and perhaps it was not a trade which the energies of the nation should be embarked in defending. Who was there now to supply all these various colonies that used to be supplied by us? None but England, the sole mistress of the ocean. Whose products, then, would Great Britain carry? Would she carry products of other nations, and let her own manufacturers starve? No; and this exclusion from the colonies of other manufactures, and leaving her merchants the sole carriers of the world, produced a greater vent for her manufactures than the whole quantity consumed in the United States.

This, however, was arguing upon the ground that the United States would consume none of her manufactures in case of a non-intercourse. Mr. H. said he was young when the old non-intercourse took place, but he remembered it well, and had then his ideas on the subject. The British army was then at their door, burning their towns and ravaging the country, and at least as much patriotism existed then as now; but British fabrics were received and consumed to almost as great an extent as before the prohibition. The armies could not get fresh provisions from Europe, but they got them here by paying higher prices in guineas for them than was paid by our Government in ragged continental paper money. When the country was in want of clothing, and could get it for one-fourth price from the British, what was the consequence? Why, all the zealous patriots—for this work of tarring and feathering, and

meeting in mobs to destroy their neighbor's property, because he could not think quite as fast as they did, which seemed to be coming in fashion now, had been carried on then with great zeal—these patriots, although all intercourse was penal, carried on commerce notwithstanding. Supplies went hence, and manufactures were received from Europe. Now, what reliance could be placed on this patriotism? A gentleman from Vermont had told the Senate at the last session, that the patriotism of Vermont would stop all exportation by land, without the assistance of the law. How had it turned out? Why, patriotism, cannon, militia, and all had not stopped it; and although the field-pieces might have stopped it on the Lakes, they were absolutely cutting new roads to carry it on by land. And yet the gentleman had supposed that their patriotism would effectually stop it! Now, Mr. H. wanted to know how a non-intercourse law was to be executed by us with a coast of fifteen hundred miles open to Great Britain by sea, and joining her by land? Her goods would come through our Courts of Admiralty by the means of friendly captors; they would be brought in, condemned, and then naturalized, as Irishmen are now naturalized, before they have been a month in the country.

Mr. Porz said it had been his opinion this morning that this resolution should have been referred to that committee, but after what had been said, it was his wish that some commercial gentleman, whose knowledge of commercial subjects would enable him to explore the wide field taken by the gentleman from Connecticut, would have answered him. He had hoped, at this session, after the Presidential election was decided, that all would have dismounted from their political hobbies, that they would have been all Federalists, all Republicans, all Americans. When they saw the ocean swarming with pirates, and commerce almost annihilated, he had hoped that the demon of party spirit would not have reared its head within these walls, but that they would all have mingled opinions and consulted the common good. He had heretofore been often charmed with the matter-of-fact arguments of the gentleman from Connecticut; but on this day the gentleman had resorted to arguments from newspapers, and revived all the old story of French influence, in the same breath in which he begged them to discard all party feelings and discuss with candor. The gentleman had gone into a wide field, which Mr. H. said he would not now explore, but begged time till to-morrow, when he would endeavor to show to the nation and to the world that the arguments used by the gentleman in favor of his resolution were most weighty against it. If patriotism had departed the land, if the streams of foreign corruption had flowed so far that the people were ready to rise in opposition to their Government, it was indeed time that foreign intercourse should cease. If the spirit of 1776 were no more—if the spirit of commercial speculation had surmount-

ed all patriotism—if this was the melancholy situation of the United States, it was time to redeem the people from this degeneracy, to regenerate them, to cause them to be born again of the spirit of 1776. But he believed he should be able to show that the proposition of the gentleman from Connecticut hardly merited the respect or serious consideration of this honorable body. Mr. P. said he had expected that in advocating his resolution the gentleman would have told the Senate that we should go to war with Great Britain and France; that he would have risen with patriotic indignation and have called for a more efficient measure. But to his surprise, the gentleman had risen, and with the utmost *cang froid* told them, let your ships go out, all's well, and nothing is to be apprehended. Mr. P. said he would not go into the subject at this moment; he had but risen to express his feelings on the occasion. He wished the subject postponed, the more because he wished to consult a document just laid on their table, to see how the memorials presented a short time ago from those whose cause the gentleman from Connecticut undertook to advocate, accorded with the sentiments he had this day expressed for them.

Mr. LLOYD said he considered the question now under discussion as one of the most important that has occurred since the adoption of the Federal Constitution. It is a subject, said Mr. L., deeply implicating, and perhaps determining, the fate of the commerce and navigation of our country; a commerce which has afforded employment for nearly a million and a half of tons of navigation; which has found occupation for hundreds of thousands of our citizens; which has spread wealth and prosperity in every region of our country, and which has upheld the Government by furnishing the revenue for its support.

A commerce which has yielded an annual amount of exports exceeding one hundred millions of dollars; an amount of exports three times as great as was possessed by the first maritime and commercial nation of the world at the commencement of the last century, when her population was double that of the United States at this time; an amount of exports equal to what Great Britain, with her navy of a thousand ships, and with all her boasted manufactures, possessed even at so recent a period as within about fifteen years from this date; surely this is a commerce not to be trifled with; a commerce not lightly to be offered up as the victim of fruitless experiment.

Our commerce has unquestionably been subject to great embarrassment, vexation, and plunder, from the belligerents of Europe. There is no doubt but both France and Great Britain have violated the laws of nations, and immolated the rights of neutrals; but there is, in my opinion, a striking difference in the circumstances of the two nations; the one, instigated by a lawless thirst of universal domination, is seeking to extend an iron-handed, merciless des-

potion over every region of the globe; while the other is fighting for her *natale solum*, for the preservation of her liberties, and probably for her very existence.

The one professes to relent at the inconvenience she occasions you by the adoption of measures which are declared to be intended merely as measures of retaliation on her enemies, and which she avows she will retract as soon as the causes which occasion them are withdrawn. The other, in addition to depredation and conflagration, treats you with the utmost contumely and disdain; she admits not that you possess the rights of sovereignty and independence, but undertakes to legislate for you, and declares that, whether you are willing or unwilling, she considers you as at war with her enemy; that she had arrested your property, and would hold it as bail for your obedience, until she knew whether you would servilely echo submission to her mandates.

There is no doubt that the conduct of these belligerents gave rise to the embargo; but if this measure has been proved by experience to be inoperative as it regards them, and destructive only as it respects ourselves, then every dictate of magnanimity, of wisdom, and of prudence, should urge the immediate repeal of it.

The propriety of doing this is now under discussion. The proposition is a naked one; it is unconnected with ulterior measures; and gentlemen who vote for its repeal ought not to be considered as averse from, and they are not opposed to, the subsequent adoption of such other measures as the honor and the interest of the country may require.

In considering this subject, it naturally presents itself under three distinct heads:

1st. As it respects the security which it gave to our navigation, and the protection it offered our seamen, which were the ostensible objects of its adoption.

2dly. In reference to its effect on other nations, meaning France and Great Britain, in coercing them to adopt a more just and honorable course of policy towards us: and,

3dly. As it regards the effects which it has produced and will produce among ourselves.

In thus considering it, sir, I shall only make a few remarks on the first head. I have no desire to indulge in retrospections; the measure was adopted by the Government; if evil has flowed from it, that evil cannot now be recalled. If events have proved it to be a wise and beneficial measure, I am willing that those to whom it owes its parentage should receive all the honors that are due to them; but if security to our navigation, and protection to our seamen, were the real objects of the embargo, then it has already answered all the effects that can be expected from it. In fact, its longer continuance will effectually counteract the objects of its adoption; for it is notorious, that each day lessens the number of our seamen, by their emigration to foreign countries, in quest of that employment and subsistence which they have been

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accustomed to find, but can no longer procure, at home; and as it regards our navigation, considered as part of the national property, it is not perhaps very material whether it is sunk in the ocean, or whether it is destined to become worthless from lying and rotting at our wharves. In either case, destruction is equally certain, it is death; and the only difference seems to be between death by a *coup de grace*, or death after having sustained the long-protracted torments of torture.

What effect has this measure produced on foreign nations? What effect has it produced on France?

The honorable gentleman from Connecticut has told you, and told you truly, in an exposé presented by the French Minister of Foreign Affairs to the Emperor, that this measure is much applauded: it is called a magnanimous measure of the Americans! And in a conversation which is stated to have passed recently at Bayonne, between the Emperor of France and an American gentleman, it is said, and I believe correctly, that the Emperor expressed his approbation of the embargo. I have no doubt that this is the fact; the measure is too consensual with his system of policy, not to be approved by him. So long as the extreme maritime preponderancy of Great Britain shall continue, with or without the existence of an American embargo, or with or without the British Orders in Council, France can enjoy but very little foreign commerce, and that little the Emperor of France would undoubtedly be willing to sacrifice, provided that, by so doing, he could insure the destruction of a much larger and more valuable amount of British and American commerce.

It is therefore apparent, that this measure, considered as a coercive measure against France, is nugatory in the extreme.

What, sir, are, or have been its effects on Great Britain?

When the embargo was first laid the nation were alarmed. Engaged in a very extended and important commerce with this country, prosecuted upon the most liberal and confidential terms, this measure, whether considered as an act of hostility, or as a mere municipal restrictive regulation, could not but excite apprehension; for most of our writers, in relation to her colonies, had impressed the belief of the dependence of the West India settlements on the United States for the means of subsistence. Accordingly, for several months after the imposition of the embargo, we find it remained an object of solicitude with them, nor have I any doubt that the Ministry, at that time, partook of the national feeling; for it appears, so late as June, that such a disposition existed with the British Ministry, as induced our Minister at the Court of London to entertain the belief, and to make known to his Government the expectation he entertained, that an adjustment would take place of the differences between this country and Great Britain.

But, sir, the apprehensions of the British nation and Ministry gradually became weaker; the embargo had been submitted to the never-erring test of experience, and information of its real effects flowed in from every quarter.

It was found that, instead of reducing the West Indies by famine, the planters in the West Indies, by varying their process of agriculture, and appropriating a small part of their plantations for the raising of ground provisions, were enabled, without materially diminishing their usual crops of produce, in a great measure to depend upon themselves for their own means of subsistence.

The British Ministry also became acquainted about this time (June) with the unexpected and unexampled prosperity of their colonies of Canada and Nova Scotia. It was perceived that one year of an American embargo was worth to them twenty years of peace or war under any other circumstances; that the usual order of things was reversed; that in lieu of American merchants making estates from the use of British merchandise and British capital, the Canadian merchants were making fortunes of from ten to thirty or forty thousand pounds in a year, from the use of American merchandise and American capital: for it is notorious, that great supplies of lumber, and pot and pearl ashes, have been transported from the American to the British side of the Lakes; this merchandise, for want of competition, the Canadian merchant bought at a very reasonable rate, sent it to his correspondents in England, and drew exchange against the shipments; the bills for which exchange he sold to the merchants of the United States for specie, transported by wagon loads at noon-day, from the banks in the United States, over the borders into Canada. And thus was the Canadian merchant enabled, with the assistance only of a good credit, to carry on an immensely extended and beneficial commerce, without the necessary employment, on his part, of a single cent of his own capital.

About this time, also, the revolution in Spain developed itself. The British Ministry foresaw the advantage this would be to them, and immediately formed a coalition with the patriots: by doing this, they secured to themselves, in despite of their enemies, an accessible channel of communication with the Continent. They must also have been convinced, that if the Spaniards did not succeed in Europe, the Colonies would declare themselves independent of the mother country, and rely on the maritime force of Great Britain for their protection, and thus would they have opened to them an incalculably advantageous mart for their commerce and manufactures; for, having joined the Spaniards without stipulation, they undoubtedly expected to reap their reward in the exclusive commercial privileges that would be accorded to them; nor were they desirous to seek competitors for the favor of the Spaniards: if they could keep the navigation, the enterprise, and the capital of the United States from an interference with

them, it was their interest to do it, and they would, from this circumstance, probably consider a one, two, or three years' continuance of the embargo as a boon to them.

Mr. SMITH, of Maryland, said he was not prepared to go as largely into this subject as it merited, having neither documents nor papers before him. He would therefore only take a short view of it in his way, and endeavor to rebut a part of the argument of the gentleman from Massachusetts, and perhaps to notice some of the observations of the gentleman from Connecticut. He perfectly agreed with the latter gentleman that this subject ought to be taken up with coolness, and with temper, and he could have wished that the gentleman from Connecticut would have been candid enough to pursue that course which he had laid down for others. Had he done it? No. In the course of the discussion, the gentleman had charged it upon some one, he knew not whom, that there was a disposition to break down commerce for the purpose of erecting manufactures on its ruins. If this was the disposition of those who had advocated the embargo, Mr. S. said he was not one to go with them, and perfectly corresponded with the gentleman in saying that such a plan would be extremely injurious; that possibly it could not be enforced in the United States; and that, if it could, merchants would conceive themselves highly aggrieved by it. But the gentleman's ideas had no foundation. Mr. S. said he had before seen it in newspapers, but had considered it a mere electioneering trick; that nothing like common sense or reason was meant by it, and nobody believed it. The gentleman surely did not throw out this suggestion by way of harmonizing; for nothing could be more calculated to create heat.

The gentleman last up, throughout his argument, had gone upon the ground that it is the embargo which has prevented all our commerce; that, if the embargo were removed, we might pursue it in the same manner as if the commerce of the whole world was open to us. If the gentleman could have shown this, he would have gone with him heart and hand; but it did not appear to him that, were the embargo taken off to-morrow, any commerce of moment could be pursued. Mr. S. said he was not certain that it might not be a wise measure to take off the embargo; but he was certain that some other measure should be taken before they thought of taking that. And he had hoped that gentlemen would have told them what measure should have been taken before they removed the embargo. Not so, however. A naked proposition was before them to take off the embargo; and were that agreed to, and the property of America subject to depredations by both the belligerents, they would be foreclosed from taking any measure at all for its defence. For this reason this resolution should properly have gone originally to the committee on the resolution of the gentleman from Virginia, (Mr. GILES.)

Mr. S. said he was not prepared for a long discussion, he should take but a short view. He would not go back to see which nation had been the first offender. He was not the apologist of any nation, but, he trusted, a fervent defender of the rights, honor, and interests of his own country. By the decrees of France every vessel bound to or from Great Britain, was declared good prize. And still further; if spoken alone by any British vessel, they were condemned in the French prize courts. When a vessel arrived in the ports of France, Mr. S. said, bribery and corruption were made use of in order to effect her condemnation. Every sailor on board was separately examined as to what had happened in the course of the voyage; they were told, you will have one-third of the vessel and cargo as your portion of the prize-money, if you will say that your vessel has touched at a British port or has been visited by a British cruiser. Of course then, by the decrees of France, all American property that floats is subject to condemnation by the French, if it had come in contact with British hands. Were gentlemen willing to submit to this: to raise the embargo, and subject our trade to this depredation? Yes, said the gentleman from Connecticut, who was willing, however, that our ships should arm and defend themselves. Mr. S. said that he had hoped the honorable gentleman would have gone further, and said not only that he would in this case permit our vessels to defend themselves, but to make good prize of any vessel which should impede the trade admitted by the laws of nations. But the gentleman had stopped short of this.

By the orders in Council, now made law, (said Mr. S.,) all neutrals—all *neutrals*, this is a mere word *ad captandum*, as it is well known there is no neutral commerce but American—all American vessels, then, bound to France, or countries in alliance with her, are made good prize in the British courts. When bound to any part of the continent of Europe, or any possessions in Turkey or Asia, they are a good prize, Sweden alone excepted. We are then permitted to trade—for it is a permission to trade, since we must acknowledge ourselves indebted to her for any she permits—we are graciously permitted to go to Sweden, to which country our whole exports amount to \$56,157! This petty trade is generously permitted us as a boon, and this boon will be struck off the list of permission, the moment any difference arises between Great Britain and Sweden. I am aware, sir, that gentlemen will say this may require explanation. I will give it to them. Great Britain says you shall not trade to any of the countries I have interdicted till you have my leave; pay me a duty and then you may go to any port; pay me a tribute, and then you shall have my license to trade to any ports you choose. What is this tribute? Not having the documents before me, I may make an error of a fraction, but in the principle I am correct.

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On the article of flour, they tell us, you may bring flour to Great Britain from America, land it, and, if you re-export it, pay into our treasury two dollars on every barrel. For every barrel of flour which we send to Spain, Portugal, or Italy, where the gentleman from Massachusetts has correctly told us much of it is consumed, little of it being used in Great Britain or France, you must pay two dollars besides your freight and insurance. And this tribute is to be paid for a permission to trade. Are gentlemen willing to submit to this?

On the article of wheat, exported, you must pay in Great Britain a duty of, I believe, two shillings sterling a bushel, before it can be re-exported. On the important article of cotton they have charged a duty on its exportation of nine pence sterling per lb., equal to the whole value of the article itself in Georgia or South Carolina. This is in addition to the usual import duty of two pence in the pound. Thus, if we wish to go to the Continent, we may go on condition of paying a tribute equal to the value of the cotton, in addition to risk or insurance. It is generally understood that two-thirds of the cotton exported by us, may be consumed in England, when all her manufactures are in good work. On the remaining third the people of the Southern country are subject to a tribute—on twenty millions of pounds, at the rate of 17 cents per pound. Let this be calculated, and it will be seen what tax we must pay for leave to sell that article.

The English Orders had told us we might trade as usual with the West India Islands; but now, believing no doubt that this Government has not strength or energy in itself to maintain any system long, what has she done? Proclaimed a blockade on the remaining islands of France, so that we are now confined to British islands alone! We are restricted from trading there by blockade, and what security have we, that if the embargo be taken off—for I wish it were off: no man suffers more from it, in proportion to his capital, than I do; but I stand here the Representative of the people, and must endeavor to act in such a manner as will best secure their interests; and I pledge myself to join heart and hand with gentlemen to take it off, whenever we can have a safe and honorable trade—that, from our submitting to these interdictions, as a right of Great Britain, she may not choose to interdict all trade, she being omnipotent, and sole mistress of the ocean, as we were told by the gentleman from Connecticut. I have seen a late English pamphlet, called "Hints to both Parties," said to be by a ministerial writer, to this effect: that Great Britain, having command over all the seas, could and ought to exclude and monopolize the trade of the world to herself. This pamphlet goes critically into an examination of the subject; says that by a stroke of policy she can cut us off from our extensive trade; that she has the power, and, having the power, she ought to do it.

TUESDAY, November 22.

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Mr. MOORE said the gentleman from Connecticut had asked if the embargo had been productive of the consequences expected to result from it when passed? Had it not been more injurious to the United States than to foreign nations? It is certainly true (said Mr. M.) that it has not been productive of all the effects expected by those who were its advocates when it passed, but it has not had a fair experiment. The law has been violated, and an illicit commerce carried on, by which the belligerents have received such supplies as to have partially prevented its good effects.

The publications throughout the United States, and thence in England, that the embargo could not be maintained, have induced the belligerents to believe that we wanted energy, and that we are too fluctuating in our councils to persevere in a measure which requires privations from the people. Under these circumstances, it appears to me that the embargo has not had a fair trial. I have ever been of opinion that the only warfare which we could ever carry on to advantage, must be commercial; and, but for evasions and miscalculations on our weakness, we should before this have been suffered to pursue our accustomed trade.

It has been asked whether the embargo has not operated more on the United States than on the European Powers? In estimating this, it will be proper to take into consideration the evils prevented, as well as the injury done by the embargo. If the embargo had not passed, is it not certain that the whole produce of the United States would have invited attack and offered a bait to the rapacity of the belligerent cruisers? If a few have accidentally escaped them, it is no evidence that, if the embargo had not been laid, the whole would not have been in the hands of the belligerents. That both belligerents have manifested hostilities by edicts which prostrated our commerce, will not be denied by any gentleman. Great Britain, on a former occasion, passed an order, sent it out secretly, and before our Minister was officially notified, it was in full operation. Their late orders included all our commerce which was afloat. Was it not to be expected that such would have been the policy of Great Britain in this case, and such our proportionate loss, if the embargo had not been laid, and thus snatched this valuable commerce from their grasp?

WEDNESDAY, November 23.

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Mr. CRAWFORD said that one of the objects of the gentleman from Connecticut was, no doubt, to obtain information of the effects of the embargo system from every part of the United States. This information was very desirable at the present time, to assist the Councils of the

nation in an opinion of the course proper to be pursued in relation to it. A Government founded, like ours, on the principle of the will of the nation, which subsisted but by it, should be attentive as far as possible to the feelings and wishes of the people over whom they presided. He did not say that the Representatives of a free people ought to yield implicit obedience to any portion of the people who may believe them to act erroneously; but their will, when fairly expressed, ought to have great weight on a Government like ours. The Senate had received several descriptions of the effects produced by the embargo in the eastern section of the Union. As the Representative of another extreme of this nation, Mr. C. said he conceived it his duty to give a fair, faithful, and candid representation of the sentiments of the people whom he had the honor to represent. It was always the duty of a Representative to examine whether the effects expected from any given measure, had or had not been produced. If this were a general duty, how much more imperiously was it their duty at this time! Every one admitted that considerable sufferings have been undergone, and much more was now to be borne.

Gentlemen have considered this subject, generally, in a two-fold view, (said Mr. C.) as to its effects on ourselves, and as to its effects on foreign nations. I think this a proper and correct division of the subject, because we are certainly more interested in the effects of the measure on ourselves than on other nations. I shall therefore thus pursue the subject.

It is in vain to deny that this is not a prosperous time in the United States; that our situation is neither promising nor flattering. It is impossible to say that we have suffered no privations in the year 1808, or that there is a general spirit of content throughout the United States; but I am very far from believing that there is a general spirit of discontent. Whenever the measures of the Government immediately affect the interest of any considerable portion of its citizens, discontents will arise, however great the benefits which are expected from such measures. One discontented man excites more attention than a thousand contented men, and hence the number of discontented is always overrated. In the country which I represent, I believe no measure is more applauded or more cheerfully submitted to than the embargo. It has been viewed there as the only alternative to avoid war. It is a measure which is enforced in that country at every sacrifice. At the same time that I make this declaration, I am justified in asserting that there is no section of the Union whose interests are more immediately affected by the measure than the Southern States—than the State of Georgia.

We have been told by an honorable gentleman, who has declaimed with great force and eloquence against this measure, that great part of the produce of the Eastern country has found

its way into market; that new ways have been cut open, and produce has found its way out. Not so with us; we raise no provisions, except a small quantity of rice, for exportation. The production of our lands lies on our hands. We have suffered, and now suffer; yet we have not complained.

The fears of the Southern States particularly have been addressed by the gentleman from Connecticut, by a declaration that Great Britain, whose fleets cover the ocean, will certainly find a source from which to procure supplies of those raw materials which she has heretofore been in the habit of receiving from us; and that having thus found another market, when we have found the evil of our ways, she will turn a deaf ear to us. By way of exemplification, the gentleman cited a familiar example of a man buying butter from his neighbors. It did not appear to me that this butter story received a very happy elucidation. In the country in which he lives there are so many buyers and so many sellers of butter, that no difficulty results from a change of purchasers or customers. Not so with our raw material. Admitting that Britain can find other markets with ease, there is still a great distinction between this and the gentleman's butter case. When a man sells butter he receives money or supplies in payment for it. His wants and wishes and those of his purchasers are so reciprocal, that no difficulty can ever arise. But Great Britain must always purchase raw materials of those who purchase her manufactures. It is not to oblige us that she takes our raw materials, but it is because we take her manufactures in exchange. So long as this state of things continues, so long they will continue to resort to our market. I have considered the gentleman's argument on this point as applied to the feelings of the Southern country. No article exported from the United States equals cotton in amount. If then we are willing to run the risk, I trust no other part of the United States will hesitate on this subject.

Another reason offered by the gentleman from Connecticut, and a substantial one if true, is, that this measure cannot be executed. If this be the case, it is certainly in vain to persevere in it, for the non-execution of any public law must have a bad tendency on the morals of the people. But the facility with which the gentleman represents these laws to have been evaded, proves that the morals of the evaders could not have been very sound when the measure was adopted; for a man trained to virtue will not, whatever facility exists, on that account, step into the paths of error and vice.

Although I believe myself that this measure has not been properly executed, nor in that way in which the situation of our country might reasonably have induced us to expect, yet it has been so far executed as to produce some good effect. So far as the orders and decrees remain in full force, so far it has failed of the effect hoped from it. But it has produced a consider-



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able effect, as I shall attempt to show hereafter.

In commenting on this part of the gentleman's observations, it becomes proper to notice, not an insinuation, but a positive declaration that the secret intention of laying the embargo was to destroy commerce; and was in a state of hostility to the avowed intention. This certainly is a heavy charge. In a Government like this, we should act openly, honestly, and candidly; the people ought to know their situation, and the views of those who conduct their affairs. It is the worst of political dishonesty to adopt a measure, and offer that reason as a motive for it which is not the true and substantial one. The true and substantial reason for the embargo, the gentleman says he believes, was to destroy commerce; and on its ruins to raise up domestic manufactures. This idea, I think, though not expressly combated by the observations of the gentleman from Delaware, (Mr. WARR,) was substantially refuted by him. That gentleman, with great elegance and something of sarcasm, applied to the House to know how the Treasury would be filled in the next year; and observed that the "present incumbent of the Presidential palace" would not dare to resort to a direct tax, because a former Administration had done so and felt the effects of it, insinuating that the present Administration did not possess courage enough to attempt it. Now, I ask, if they dare not resort to a direct tax, excise laws, and stamp acts, where will they obtain money? In what way will the public coffers be filled? The gentleman must acknowledge that all our present revenue is derived from commerce, and must continue to be so, except resort be had to a direct tax, and the gentleman says we have not courage enough for that. The gentleman from Connecticut must suppose, if the gentleman from Delaware be correct, that the Administration seeks its own destruction. We must have revenue, and yet are told that we wish to destroy the only way in which it can be had, except by a direct tax; a resort to which, it is asserted, would drive us from the public service.

But we are told, with a grave face, that a disposition is manifested to make this measure permanent. The States who call themselves commercial States, when compared with the Southern States, may emphatically be called manufacturing States. The Southern States are not manufacturing States, while the great commercial States are absolutely the manufacturing States. If this embargo system were intended to be permanent, those commercial States would be benefited by the exchange, to the injury of the Southern States. It is impossible for us to find a market for our produce but by foreign commerce; and whenever a change of the kind alluded to is made, that change will operate to the injury of the Southern States more than to the injury of the commercial States, so called.

But another secret motive with which the Government is charged to have been actuated is, that this measure was intended and is calcu-

lated to promote the interests of France. To be sure none of the gentlemen have expressly said that we are under French influence, but a resort is had to the exposé of the French Minister, and a deduction thence made that the embargo was laid at the wish of Bonaparte. The gentleman from Connecticut told us of this exposé for this purpose; and the gentleman from Massachusetts appeared to notice it with the same view.

Now we are told that there is no danger of war, except it be because we have understood that Bonaparte has said there shall be no neutrals; and that, if we repeal the embargo, we may expect that he will make war on us. And this is the only source from whence the gentleman could see any danger of war. If this declaration against neutrality which is attributed to the Gallic Emperor be true, and it may be so, his Gallic Majesty could not pursue a more direct course to effect his own wishes than to declare that our embargo had been adopted under his influence. And unless the British Minister had more political sagacity than the gentleman who offered the evidence of the exposé in proof of the charge, it would produce the very end which those gentlemen wished to avoid—a war with Great Britain; for she would commence the attack could she believe this country under the influence of France. I would just as much believe in the sincerity of that exposé, as Mr. Canning's sincerity, when he says that his Majesty would gladly make any sacrifice to restore to the commerce of the United States its wonted activity. No man in the nation is silly enough to be gulled by these declarations; but, from the use made of them, we should be led to think otherwise, were it not for the exercise of our whole stock of charity. Now, I cannot believe that any man in this nation does believe in the sincerity of Mr. Canning's expressions, or that Bonaparte believes that the embargo was laid to promote his interest. I cannot believe that there is any man in this nation who does candidly and seriously entertain such an opinion.

The gentleman from Massachusetts says it is true that a considerable alarm was excited in England when the news of the embargo arrived there; that they had been led to believe, from their writers and speakers, that a discontinuance of their intercourse with this country would be productive of most injurious consequences; but that they were now convinced that all their writers and statesmen were mistaken, and that she can suffer a discontinuance of intercourse without being convulsed or suffering at all. To believe this requires a considerable portion of credulity, especially when the most intelligent men affirm to the contrary. In the last of March or the first of April last, we find, on an examination of merchants at the Bar of the British House of Commons, that the most positive injury must result from a continuance of non-intercourse. It is not possible that our merchants on this side of the water, however intelligent they may be, can be as well acquaint-

ed with the interests of Great Britain as her most intelligent merchants. This alarm, however, the gentleman has told us, continued through the spring and dissipated in the summer. It is very easy to discover the cause of the dissipation of this alarm. It was not because the loss of intercourse was not calculated to produce an effect, but it proceeded from an adventitious cause, which could not have been anticipated—the revolution in Spain; and there is no intelligent man who will not acknowledge its injurious effects on our concerns. No sooner did the British Ministers see a probability that the struggle between the Spanish patriots and France would be maintained, than they conceived hopes that they might find other supplies; and then they thought they might give to the people an impulse by interesting the nation in the affairs of Spain, which would render lighter the effects of our embargo. This is the cause of the change in Mr. Canning's language; for every gentleman in the House knows that a very material change took place in it in the latter part of the summer. If then the embargo has not produced the effects calculated from it, we have every reason to believe that its failure to produce these effects has been connected with causes wholly adventitious, and which may give way if the nation adheres to the measure. If, however, there be any probability that these causes will be continued for a long time, we ought to abandon it. I am not in favor of continuing any measure of this kind, except there be a probability of its producing some effect on those who make it necessary for us to exercise this act of self-denial. When I first saw the account of the revolution in Spain, my fears were excited lest it should produce the effect which it has done. As soon as I saw the stand made by the Spanish patriots, I was apprehensive that it might buoy up the British nation under the sufferings arising from the effects of their iniquitous orders, which, compared with the sufferings which we ourselves have borne, have been as a hundred to one. If there be evidence that the effects of this measure will yet be counteracted by recent events in Spain, I will abandon it, but its substitute should be war, and no ordinary war—I say this notwithstanding the petitions in the other branch of the Legislature, and the resolutions of a State Legislature which have lately been published. When I read the resolutions, called emphatically the Essex resolutions, I blush for the disgrace they reflect on my country. We are told there that this nation has no just cause of complaint against Great Britain; and that all our complaints are a mere pretext for war. I blush that any man belonging to the great American family should be so debased, so degraded, so lost to every generous and national feeling, as to make a declaration of this kind. It is debasing to the national character.

How are these orders and decrees to be opposed but by war, except we keep without their reach? If the embargo produces a repeal of these edicts, we effect it without going to war.

Whenever we repeal the embargo we are at war, or we abandon our neutral rights. It is impossible to take the middle ground, and say that we do not abandon them by trading with Great Britain alone. You must submit, or oppose force to force. Can arming our merchant vessels, by resisting the whole navy of Great Britain, oppose force to force? It is impossible. The idea is absurd.

By way of ridiculing the embargo, the gentleman from Connecticut, in his familiar way, has attempted to expose this measure. He elucidated it by one of those familiar examples by which he generally exemplifies his precepts. He says your neighbor tells you that you shall not trade with another neighbor, and you say you will not trade at all. Now this, he says, is very magnanimous, but it is a kind of magnanimity with which he is not acquainted. Now let us see the magnanimity of that gentleman, and see if it savors more of true magnanimity than our course. Great Britain and France each say that we shall not trade with the other. We say we will not trade with either of them, because we believe our trade will be important to both of them. The gentleman says it is a poor way of defending the national rights. Suppose we pursue his course. Great Britain says we shall not trade to France; we say we will not, but will obey her. We will trade upon such terms as she may impose. "This will be magnanimity indeed; this will be defending commerce with a witness!" It will be bowing the neck to the yoke. The opposition to taxation against our consent, at the commencement of the Revolution, was not more meritorious than the opposition to tribute and imposition at the present day. I cannot, for my soul, see the difference between paying tribute and a tacit acquiescence in the British Orders in Council. True, every gentleman revolts at paying tribute. But where is the difference between that and suffering yourself to be controlled by the arbitrary act of another nation? If you raise the embargo you must carry your produce to Great Britain and pay an arbitrary sum before you can carry it elsewhere. If it remains there, the markets will be glutted and it will produce nothing. For it appears, from the very evidence to which I have before alluded, that at least four-fifths of our whole exports of tobacco must go to England and pay a tax before we could look for a market elsewhere, and that out of seventy-five thousand hogsheads raised in this country, not more than fifteen thousand are consumed in Great Britain. Where does the remainder usually go? Why, to the ports of the Continent. I ask, then, if the whole consumption of Great Britain be but fifteen thousand hogsheads, if an annual addition of sixty thousand hogsheads be thrown into that market, would it sell for the costs of freight? Certainly not. The same would be the situation of our other produce.

The gentleman from Delaware (Mr. WHITE) has said, that, by repealing the embargo, we

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can now carry on a safe and secure trade to the extent of nearly four-fifths of the amount of our domestic productions. There is nothing more delusive, and better calculated to impose on those who do not investigate subjects, than these calculations in gross. If the gentleman will take the trouble to make the necessary inquiries, he will find that instead of Great Britain taking to the amount he supposes of our domestic productions, she takes nothing like it. It is true that a large proportion of our domestic exports is shipped ostensibly for Great Britain; but it is equally true that a very large proportion of these very exports find their way into the continental ports. For the British merchants in their examination before the House of Commons, already alluded to, say that three-fourths of their receipts for exportation to the United States have been usually drawn from the Continent; and that even if the embargo was removed and the Orders in Council were continued, they must stop their exportation, because the continental ports would be closed against American vessels; because their coasts swarm with English cruisers, the French must know that the American vessels attempting to enter have come from an English port. That they had facilities of conveyance to the Continent prior to the Orders in Council, the merchants acknowledged; and when requested to explain the mode of conveyance, they begged to be excused. No doubt every gentleman has seen these depositions, or might have seen them, for they have been published in almost every paper on the Continent. They have opened to me and to my constituents a scene perfectly new. They tell you that the Berlin decree was nothing. Notwithstanding that decree, they had a facility of conveying produce into the continental ports; but the Orders of Council completely shut the ports of the Continent against the entrance of American vessels. On this point there was no contrariety of opinion; and several of these merchants declared that they had sent vessels to the Continent a very few days before the date of the Orders of Council. This clearly shows that any conclusion to be drawn from the gross amount of exports must be fallacious, and that probably three-fourths ought to be deducted from the gross amount. This statement of the gentleman from Delaware, which holds out to the public the prospect of a lucrative trade in four-fifths of their exports, will certainly have a tendency to render them uneasy under the privations which they are called upon to suffer by the iniquitous measures of foreign nations. Although the statement was extremely delusive, I do not say that the gentleman meant to delude by it. This, however, being the effect of the gentleman's assertion, I am certainly warranted in saying that the evidence of the British merchants who carry on this trade, is better authority than the gentleman's statements.

But admit, for the sake of argument, and on no other ground would I admit it, that these

gross statements are correct; and that, at the time the embargo was adopted, these Orders in Council notwithstanding, the trade of the United States could have been carried on to this extent. What security have we, if the embargo had not been laid, after submitting and compromising the national dignity and independence, that the British aggressions and Orders in Council would have stopped at the point at which we find them? Have we not conclusive evidence to the contrary? Are we not officially notified that the French leeward islands are declared by proclamation in a state of blockade? And do we not know that this is but carrying into effect a report of the committee of the British House of Commons on the West India Islands, in which this measure is recommended, and in which it is stated that His Britannic Majesty's West India subjects ought to receive further aid by placing these islands in a state of blockade? I can see in this measure nothing but a continuation of the system recommended last winter in this report, and published—for the information of the United States, I suppose.

If the embargo should be repealed, and our vessels suffered to go out in the face of the present orders in Council and blockading decrees and proclamations, Mr. C. said, they would but expose us to new insults and aggressions. It was in vain to talk about the magnanimity of nations. It was not that magnanimity which induced nations as well as men to act honestly; and that was the best kind of magnanimity. The very magnanimity which had induced them to distress our commerce, would equally induce them to cut off the pitiful portion they had left to us. In a general point of view, there was now no lawful commerce. No vessel could sail from the United States without being liable to condemnation in Britain or France. If they sailed to France, Mr. C. said, they were carried into Britain; if they sailed to Britain, they were carried into France. Now, he asked, whether men who had any regard to national honor would consent to navigate the ocean on terms so disgraceful? We must be cool calculators, indeed, if we could submit to disgrace like this!

The last reason offered by the supporters of the present resolution, Mr. C. said, may properly be said to be an argument *in terrorem*. The gentleman from Massachusetts says, by way of abstract proposition, that a perseverance in a measure opposed to the feelings and interests of the people may lead to opposition and insurrection; but the gentleman from Connecticut uses the same expressions as applicable to the embargo. It may be a forcible argument with some gentlemen, and most likely may have had its effect on those who intended it to produce an effect on others. But I trust that this House and this nation are not to be addressed in this way. Our understandings may be convinced by reason, but an address to our fears ought to be treated with contempt. If I were capable of being actuated by motives of fear, I should be unworthy of the seat which I hold on this floor.

If the nation be satisfied that any course is proper, it would be base and degrading to be driven from it by the discordant murmurs of a minority. We are cautioned to beware how we execute a measure with which the feelings of the people are at war. I should be the last to persist in a measure which injuriously affected the interest of the United States; but no man feels more imperiously the duty of persevering in a course which is right, notwithstanding the contrary opinion of a few; and though I may regret and respect the feelings of these few, I will persist in the course which I believe to be right, at the expense even of the Government itself.

Mr. MITCHELL said he was not prepared to vote on the question of repealing the embargo laws, in the precise form in which it had been brought before the Senate. There was as yet a want of information; for certain additional documents, expected from the Executive, had not yet been communicated, and the select committee to which the part of the Message concerning the foreign relations of the country was lately referred, had not brought forward a report. He would have been better pleased if the proposition had been so framed as to have expressed indignation at the injuries our Government had received from foreign nations. Then he would cheerfully have given it his concurrence. But now, when those who are willing to do something, though not exactly what the motion proposes, are made to vote directly against a removal of the existing restrictions upon our commerce, their situation is rather unpleasant; indeed, it is unfair, inasmuch as they must either give their assent to a measure, to the time and manner of which they may be averse, or they must vote negatively in a case which, but for some incidental or formal matter, would have met their hearty approbation. He could, therefore, have wished that the question had been presented to the House in such terms as to afford an opportunity of expressing their sense of the wrongs our nation had endured from foreign Sovereigns, and of the restrictions laid upon American commerce by their unjust regulations, as well as on the further restrictions that, under the pressure of events, it had been thought necessary for our own Legislature to impose.

I now come to the year 1806, an eventful year to the foreign commerce of our people. An extravagant and armed trade had for a considerable time been carried on by some of our citizens with the emancipated or revolted blacks of Hayti. The French Minister, conformably to the instructions of his Government, remonstrated against this traffic as ungracious and improper; and under an impression that our citizens ought to be restrained from intercourse with the negroes of Hispaniola, Congress passed an act forbidding that altogether. This was the second time that our Government circumscribed the commercial conduct of its citizens. It was also during this year that memorials were forwarded to the Executive and legislative branches

of our Government by the merchants of our principal seaports, stating the vexations of their foreign commerce to be intolerable, and calling in the most earnest terms for relief or redress. These addresses were mostly composed with great ability; it seemed as if the merchants were in danger of total ruin. Their situation was depicted as being deplorable in the extreme. The interposition of their Government was asked in the most strenuous and pressing terms; and your table, Mr. President, was literally loaded with petitions. The chief cause of this distress was briefly this: These citizens of the United States were engaged during the war in Europe, in a commerce with enemies' colonies not open in time of peace; by this means, the produce of the French West Indies was conveyed under the neutral flag to the mother country. Great Britain opposed the direct commerce from the colony to France through the neutral bottom. The neutral then evaded the attempt against him by landing the colonial produce in his own country, and after having thus neutralized or naturalized it, exported it under drawback for Bordeaux or Marseilles; this proceeding was also opposed by the British, and much property was captured and condemned in executing their orders against it. Their writers justified their conduct by charging fraud upon the neutral flag, and declaring that under cover of them a "war in disguise" was carried on, while on our side the rights of neutrals were defended with great learning and ability in a most profound investigation of the subject.

This same year was ushered in by a proclamation of General Ferrand, the French commandant at St. Domingo, imposing vexations on the trade of our citizens; and a partial non-importation law was enacted against Great Britain by Congress about the middle of April. But these were not all the impediments which arose. Notices were given to the American Minister in London of several blockades. The chief of these was that of the coast, from the Elbe to Brest inclusive, in May. And here, as it occurs to me, may I mention the spurious blockade of Ourraçoa, under which numerous captures were made. And lastly, to complete the catalogue of disasters for 1806, and to close the woful climax, the French decree of Berlin came forth in November, and, as if sporting with the interests and feelings of Americans, proclaimed Great Britain and her progeny of isles to be in a state of blockade.

Hopes had been entertained that such a violent and convulsed condition of society would not be of long duration. Experience, however, soon proved that the infuriate rage of man was as yet unsatisfied, and had much greater lengths to go. For early in the succeeding year (1807), an order of the British Council was issued, by which the trade of neutrals, and of course of American citizens, was interdicted from the port of one belligerent to the port of another. And in the ensuing May, the rivers Elbe, Weser, and Ems, with the interjacent coasts were declared

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by them to be in a state of blockade, and a similar declaration was made on their part to neutrals in regard to the straits of the Dardanelles and the city of Smyrna. But these were but subordinate incidents in this commercial drama; the catastrophe of the tragedy was soon to be developed. "On the 23d of June, by a formal order from a British Admiral, our frigate *Cheesapeake*, leaving her port for a distant service, was attacked by one of these vessels, which had been lying in our harbors under the indulgence of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away." Immediately the President by proclamation interdicted our harbors and waters to all British armed vessels, and forbade intercourse with them. Under an uncertainty how far hostilities were intended, and the town of Norfolk being threatened with an immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper.

In furtherance of these schemes, a proclamation was published, holding all their absent seamen to their allegiance, recalling them from foreign services, and denouncing heavy penalties for disobedience. The operation of this upon the American merchant service would have been very sensibly felt. Many British born subjects were in the employ of our merchants, and that very Government, which claimed as a British subject every American citizen who had been but two years a seaman in their service, refused to be bound by their own rule in relation to British subjects who had served an equal term on board the ships of the United States. But this was not all. The month of November was distinguished by an order retaliating on France a decree passed by her some time before, declaring the sale of ships by belligerents to be illegal; and thus, by virtue of concurrent acts of these implacable enemies, the poor neutral found it impossible to purchase a ship either from a subject of Great Britain or of France. That season of gloom was famous, or rather infamous, for another act prohibiting wholly the commerce of neutrals with the enemies of Great Britain, and for yet another, pregnant with the principles of lordly domination on their part, and of colonial vassalage on our, by which the citizens of these independent and sovereign States are compelled to pay duties on their cargoes in British ports, and receive licenses under the authority of that Government, as a condition of being permitted to trade to any part of Europe in possession of her enemies.

This outrageous edict on the part of Britain was succeeded by another on the side of France, equalling, or if possible, surpassing it in injustice. In December came forth the decrees of Milan, enforcing the decree of Berlin against American trade; dooming to confiscation every vessel of the United States that had been boarded or even spoken to by a Briton, and encour-

aging, by the most unjustifiable lures, passengers and sailors to turn informers. The abominable mandate was quickly echoed in Spain, and sanctioned by the approbation of His Most Catholic Majesty. It has been executed with shocking atrocity. In addition to other calamities, the property of neutrals has been sequestered in France, and their ships burned by her cruisers on the ocean.

Such, Mr. President, was the situation of the European world, when Congress deemed it necessary to declare an embargo on our own vessels. Denmark and Prussia, and Russia, and Portugal, had become associated or allied with France; and, with the exception of Sweden, the commerce of our citizens was prohibited, by the mutually vindictive and retaliating belligerents, from the White Sea to the Adriatic. American ships and cargoes were declared the prize and plunder of the contending powers. The widely-extended commerce of our people was to be crushed to atoms between the two mighty millstones, or prudently withdrawn from its dangerous exposure, and detained in safety at home. Policy and prudence dictated the latter measure. And as the ocean was become the scene of political storm and tempest, more dreadful than had ever agitated the physical elements, our citizens were admonished to partake of that security for their persons and property, in the peaceful havens of their country, which they sought in vain on the high seas and in European harbors. The regulations, so destructive to our commerce, were not enacted by us. They were imposed upon us by foreign tyrants. Congress had no volition to vote upon the question. In the shipwreck of our trade, all that remained for us to do, was to save as much as we could from perishing, and as far as our efforts would go, to prevent a total loss.

I touch, with a delicate hand, the mission of Mr. Rose. The arrival of this Envoy Extraordinary from Britain was nearly of the same date with an order of his Government, blockading Carthage, Cadiz, and St. Lucar, and the intermediate ports of Spain, and thereby vexing the commerce of American citizens. The unsuccessful termination of his negotiation has been but a few months since followed by a refusal on the part of his Government to rescind its orders, that work so much oppression to our commerce, on condition of having the embargo suspended in respect to theirs. And the French Ministry has treated a similar friendly and specific overture, from our Executive, with total disregard. In addition to all which we learn, from the highest source of intelligence, that the British naval commander at Barbadoes did, about the middle of October, declare the French leeward Caribbean Islands to be in a state of strict blockade, and cautioning neutrals to govern themselves accordingly, under pain of capture and condemnation.

THURSDAY, November 24.

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Mr. GILES addressed the Senate:

Mr. President: Having during the recess of Congress retired from the political world, and having little agency in the passing political scenes, living in a part of the country, too, where there is little or no difference in political opinions, and where the embargo laws are almost universally approved, I felt the real want of information upon the subject now under discussion. I thought I knew something of the general objects of the embargo laws, and I had not been inattentive to their general operations upon society, as far as I had opportunities of observing thereupon.

When I arrived here, and found that this subject had excited so much sensibility in the minds of many gentlemen I met with, as to engross their whole thoughts, and almost to banish every other topic of conversation, I felt also a curiosity to know what were the horrible effects of these laws in other parts of the country, and which had escaped my observation in the part of the country in which I reside. Of course, sir, I have given to the gentlemen, who have favored us with their observations on both sides of the question under consideration, the most careful and respectful attention, and particularly to the gentlemen representing the eastern section of the Union, where most of this sensibility had been excited. I always listen to gentlemen from that part of the United States with pleasure, and generally receive instruction from them; but on this occasion, I am reluctantly compelled to acknowledge, that I have received from them less satisfaction and less information than usual; and still less conviction.

It was hardly to have been expected, Mr. President, that after so many angry and turbulent passions had been called into action, by the recent agitations throughout the whole United States, resulting from the elections by the people, to almost all the important offices within their gift, and particularly from the elections of electors for choosing the President and Vice President of the United States, that gentlemen would have met here perfectly exempt from the feelings which this state of things was naturally calculated to inspire. Much less was it to have been expected, sir, that gentlemen who had once possessed the power of the nation, and who, from some cause or other, had lost it; (a loss, which they now tell us they *but too well remember*, and I fear, might have added, *too deeply deplore*.) gentlemen too, sir, who at one time during the electioneering scene had indulged the fond and delusive hope, that through the privations necessarily imposed upon our fellow-citizens, by the unexampled aggressions of the belligerent powers, they might once more find their way to office and power, and who now find themselves disappointed in this darling expectation—it was not at all to be expected, sir, that these gentlemen should now appear here,

perfectly exempt from the unpleasant feelings which so dreadful a disappointment must necessarily have produced. It was a demand upon human nature for too great a sacrifice; and however desirable such an exemption might have been at the present moment, and however honorable it would have been to those gentlemen, it was not expected.

But, sir, I had indulged a hope that the extraordinary dangers and difficulties pressed upon us by the aggressing belligerents, attended, too, with so many circumstances of indignity and insult, would have awakened a sensibility in the bosom of every gentleman of this body, which would have wholly suppressed, or at least suspended, these unpleasant feelings, until some measures, consulting the general interests and welfare of the people, could have been devised, to meet, resist, and if possible, to subdue the extraordinary crisis. But, sir, even in this hope, too, I have been totally disappointed. I was the more encouraged in this hope, when upon opening this debate the gentleman from Connecticut (Mr. HILLHOUSE) seemed sensible of this sacred obligation, imposed by the crisis; when he exhorted us, in conducting our deliberations, utterly to discard the influence of party spirit. It would have given me great pleasure, sir, if the gentleman had afforded us a magnanimous example of a precept so admirably suited to the present state of things. But in this too, sir, I have been unfortunately disappointed. That gentleman's observations consisted almost exclusively of retrospective animadversions upon the original objects and horrible effects of the embargo laws, without seeming to think it was worth his attention to favor us with any reflections upon the prospective course of measures which the people's interests, the public safety, and general welfare, so imperiously demand. That gentleman represented the embargo laws as mere acts of volition, impelled by no cause nor necessity; whilst the British orders, and French edicts, were scarcely glanced at, and certainly formed the least prominent feature of his observations. He represented these laws as a wanton and wicked attack upon commerce, with a view to its destruction, whilst he seemed scarcely to have recollected the extraordinary dangers and difficulties which overspread the ocean—indeed, sir, he described the ocean as perfectly free from dangers and difficulties, unruffled by any storms, and that we had nothing to do but to unfurl our canvas to the wind, that it would be filled with prosperous gales, and wafted to the ports of its destination, where it would be received with open arms of friendship and hospitality. I wish, sir, with all my heart, the gentleman could but realize these dreaming visions; their reality would act like a magic spell upon the embargo laws, and dissipate them in a moment! But, alas! sir, when we come to look at realities, when we turn our eyes upon the real dangers and difficulties which do overspread the ocean, we shall find them so formidable, that the wisdom of our undivided

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counsels, and the energy of our undivided action, will scarcely be sufficient to resist and conquer them. To my great regret, sir, we now see, that the United States cannot even hope to be blessed with this union of mind and action, although certainly their dearest interests demand it.

Mr. President, perhaps the greatest inconvenience attending popular governments, consists in this: that whenever the union and energy of the people are most required to resist foreign aggressions, the pressure of these aggressions presents most temptations to distrusts and divisions. Was there ever a stronger illustration of the truth and correctness of this observation than the recent efforts made under the pressure of the embargo laws? The moment the privations, reluctantly but necessarily imposed by these laws, became to be felt, was the moment of signal to every political demagogue, who wished to find his way to office and to power, to excite the distrusts of the people, and then to separate them from the Government of their choice, by every exaggeration which ingenuity could devise, and every misrepresentation which falsehood could invent: nothing was omitted which it was conceived would have a tendency to effect this object. But, Mr. President, the people of the United States must learn the lesson now, and at all future times, of disrespecting the bold and disingenuous charges and insinuations of such aspiring demagogues.\* They must learn to respect and rally round their own Government, or they never can present a formidable front to a foreign aggressor. Sir, the people of the United States have already learnt this lesson. They have recently given an honorable and glorious example of their knowledge in this respect. They have, in their recent elections, demonstrated to the nation and to the world that they possess too much good sense to become the dupes of these delusive artifices, and too much patriotism to desert their Government when it stands most in need of their support and energy.

The gentleman from Connecticut (Mr. HILLHOUSE) has made the most strict, and I had almost said, uncharitable scrutiny into the objects and effects of the embargo laws, in the delusive hope, I presume, of obtaining a triumph over his political adversaries. I propose to follow the gentleman, in a fair and candid comparison of information and opinions upon this subject; and I shall do so in the most perfect confidence, that whenever a thorough examination of the objects and effects of the embargo laws shall be made known, and the merits of the measure fully understood, that there is not a man in the United States who will not applaud and support the Administration for its adoption, who has the uncontaminated heart of an American throbbing within his bosom.

Sir, I have always understood that there were two objects contemplated by the embargo laws. The first, precautionary, operating upon ourselves. The second, coercive, operating upon the aggressing belligerents. Precaution-

ary, in saving our seamen, our ships, and our merchandise, from the plunder of our enemies, and avoiding the calamities of war. Coercive, by addressing strong appeals to the interests of both the belligerents. The first object has been answered beyond my most sanguine expectations. To make a fair and just estimate of this measure, reference should be had to our situation at the time of its adoption. At that time, the aggressions of both the belligerents were such, as to leave the United States but a painful alternative in the choice of one of three measures, to wit, the embargo, war, or submission. I know that this position has not been admitted, though but faintly denied in the discussion. I shall however proceed upon this hypothesis for the present, and in the course of my observations will prove its correctness by the statements of the gentlemen in favor of the resolution.

Before the recommendation of the measure, the laudable and provident circumspection of the Administration had obtained tolerably correct estimates of the amount and value of the ships and merchandises belonging to the citizens of the United States then afloat, and the amount and value of what was shortly expected to be afloat; together with a conjectural statement of the number of the seamen employed in the navigation thereof.

It was found that merchandise to the value of one hundred millions of dollars was actually afloat, in vessels amounting in value to twenty millions more. That an amount of merchandise and vessels equal to fifty millions of dollars more, was expected to be shortly put afloat, and that it would require fifty thousand seamen to be employed in the navigation of this enormous amount of property. The Administration was informed of the hostile edicts of France previously issued, and then in a state of execution, and of an intention on the part of Great Britain to issue her orders, the character and object of which were also known. The object was, to sweep this valuable commerce from the ocean. The situation of this commerce was as well known to Great Britain as to ourselves, and her inordinate cupidity could not withstand the temptation of the rich booty she vainly thought within her power. This was the state of information at the time this measure was recommended.

The President of the United States, ever watchful and anxious for the preservation of the persons and property of all our fellow-citizens, but particularly of the merchants, whose property is most exposed to danger, and of the seamen whose persons are also most exposed, recommended the embargo for the protection of both; and it has saved and protected both. Let us now suppose, for a moment, that the President, possessed of this information, had not apprised the merchants and seamen of their danger, and had recommended no measure for their safety and protection; would he not in that case have merited and received the reproaches

which the ignorance or ingratitude of merchants and others have so unjustly heaped upon him, for his judicious and anxious attentions to their interests? It is admitted by all, that the embargo laws have saved this enormous amount of property, and this number of seamen, which, without them, would have forcibly gone into the hands of our enemies, to pamper their arrogance, stimulate their injustice, and increase their means of annoyance.

I should suppose, Mr. President, this saving worth some notice. But, sir, we are told that instead of protecting our seamen, it has driven them out of the country, and into foreign service. I believe, sir, that this fact is greatly exaggerated. But, sir, suppose for a moment that it is so, the Government has done all, in this respect, it was bound to do. It placed these seamen in the bosoms of their friends and families, in a state of perfect security; and if they have since thought proper to abandon these blessings, and emigrate from their country, it was an act of choice, not of necessity. But, what would have been the unhappy destiny of these brave tars, if they had been permitted to have been carried into captivity, and sent adrift on unfriendly and inhospitable shores? Why, sir, in that case, they would have had no choice; necessity would have driven them into a hard and ignominious service, to fight the battles of the authors of their dreadful calamities, against a nation with which their country was at peace. And is the bold and generous American tar to be told, that he is to disrespect the Administration for its anxious and effectual attentions to his interests? for relieving him from a dreadful captivity? Even under the hardships he does suffer, and which I sincerely regret, every generous feeling of his noble heart would repel the base attempt with indignation. But, sir, the American seamen have not deserted their country; foreign seamen may and probably have gone into foreign service; and, for one, I am glad of it. I hope they will never return; and I am willing to pass a law, in favor of the true-hearted American seamen, that these foreign seamen never should return. I would even prohibit them from being employed in merchant vessels. The American seamen have found employment in the country; and whenever the proper season shall arrive for employing them on their proper element, you will find them, like true birds of passage, hovering in crowds upon your shores.

Whilst considering this part of the subject, I cannot help expressing my regret that, at the time of passing our embargo laws, a proportion of our seamen was not taken into the public service; because, in my judgment, the nation required their services, and it would have been some alleviation to their hardships, which the measure peculiarly imposed upon them, as a class of citizens, by affecting their immediate occupation; and the other classes, as well as the public Treasury, were able to contribute to their alleviation; and I am willing to do the

same thing at this time. Indeed, its omission is the only regret I have ever felt, at the measures of the last Congress. I like the character—I like the open frankness, and the generous feelings of the honest American tar; and, whenever in my power, I am ready to give, and will with pleasure give him my protection and support. One of the most important and agreeable effects of the embargo laws, is giving these honest fellows a safe asylum. But, sir, these are not the only good effects of the embargo. It has preserved our peace—it has saved our honor—it has saved our national independence. Are these savings not worth notice? Are these blessings not worth preserving? The gentleman from Delaware (Mr. WHITE) has, indeed, told us, that under the embargo laws, the United States are bleeding at every pore. This, surely, sir, is one of the most extravagant effects that could have been ascribed to these laws by the frantic dreams of the most infatuated passions. Blood-letting is the last effect that I ever expected to hear ascribed to this measure. I thought it was of the opposite character; but it serves to show that nothing is too extravagant for the misguided zeal of gentlemen in the opposition. I have cast my eyes about in vain to discover those copious streams of blood; but I neither see nor hear any thing of them from any other quarter. So far from the United States bleeding at every pore, under the embargo, it has saved them from bleeding at any pore; and one of the highest compliments to the measure is, that it has saved us from the very calamity which the gentleman attributed to it; but which, thanks to our better stars and wiser counsels, does not exist.

Mr. President, the eyes of the world are now turned upon us; if we submit to these indignities and aggressions, Great Britain herself would despise us; she would consider us an outcast among nations; she would not own us for her offspring: France would despise us; all the world would despise us; and what is infinitely worse, we should be compelled to despise ourselves! If we resist, we shall command the respect of our enemies, the sympathies of the world, and the noble approbation of our own consciences.

Mr. President, our fate is in our own hands; let us have union and we have nothing to fear. So highly do I prize union, at this awful moment, that I would prefer any one measure of resistance with union, to any other measure of resistance with division; let us then, sir, banish all personal feelings; let us present to our enemies the formidable front of an indissoluble band of brothers, nothing else is necessary to our success. Mr. President, unequal as this contest may seem; favored as we are by our situation, and under the blessing of a beneficent Providence, who has never lost sight of the United States in times of difficulty and trial, I have the most perfect confidence, that if we prove true to ourselves, we shall triumph over our enemies. Deeply impressed with these considerations, I am prepared to give the resolution a flat and decided negative.



DECEMBER, 1808.]

*Enforcement of the Embargo.*

[SENATE.]

FRIDAY, November 25.

JOHN MILLER, from the State of Georgia, attended.

WEDNESDAY, November 30.

*The Embargo.*

MR. PICKENS.—Mr. President: I am aware, sir, of the consequences of advancing any thing from which conclusions may be drawn adverse to the opinions of our own Administration, which, by many, are conceived to be indisputably just. Merely to state these questions, and to mention such arguments as the British Government may, perhaps, have urged in their support on her side, is sufficient to subject a man to the popular charge of being under British influence, or to the vulgar slander of being a "British tory." He will be fortunate to escape the accusation of touching British gold. But, sir, none of these things move me. The patrons of the miscreants who utter these slanders know better, but are, nevertheless, willing to benefit by the impression they may make on the minds of the people. From an early period of my life I was zealously engaged in every measure opposed to the attempts of Great Britain to encroach upon our rights, until the commencement of our Revolutionary war; and during its whole continuance, I was uninterruptedly employed in important civil or military departments, contributing all my efforts to bring that war to a successful termination.

I, sir, am not the advocate of wrong-doers, to whatever country they belong, whether Emperors, or Kings, or the Administrators of a Republic. Justice is my object, and Truth my guide; and wherever she points the way I shall not fear to go.

Great Britain has done us many wrongs. When we were Colonies, she attempted to deprive us of some of our dearest birth-rights—rights derived from our English ancestors, rights which we defended, and finally established, by the successful conclusion of the Revolutionary war. But these wrongs, and all the wounds of war, were intended to be obliterated and healed by the treaty of peace, when all enmities should have ceased.

Great Britain wronged us in the capture and condemnation of our vessels under her orders of 1793, and she has made reparation for these wrongs, pursuant to a treaty, negotiated on practical principles by a statesman who, with liberal views and real candor, sought adjustment and reparation.

MONDAY, December 12.

*Enforcement of the Embargo Laws.*

MR. GILES, from the committee appointed the 11th of November last, on that part of the Message of the President of the United States which relates to the embargo laws, and the measures necessary to enforce due observance thereof, made a further report, in part, of a bill to au-

thorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats of the United States; and the bill was read, and passed to the second reading.

The bill is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President be, and he is hereby, authorized and required to cause to be fitted out, officered, manned, and employed, as soon as may be, all the frigates and other armed vessels of the United States, including gunboats; and to cause the frigates and armed vessels, so soon as they can be prepared for active service, respectively to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States, or territories thereof.

"SEC. 2. And be it further enacted, That, for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and is hereby, authorized and required, in addition to the number of petty officers, able seamen, ordinary seamen, and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, — midshipmen, — corporals of marines, — able seamen, — ordinary seamen and boys, which shall be engaged to serve for a period not exceeding — years, but the President may discharge the same sooner, if in his judgment their services may be dispensed with; and to satisfy the necessary expenditures to be incurred therein, a sum not exceeding — dollars be, and the same is hereby, appropriated, and shall be paid out of any moneys in the Treasury not otherwise appropriated."

SATURDAY, December 17.

The credentials of MICHAEL LEWIS, appointed a Senator by the State of Pennsylvania, were presented and read, and ordered to lie on file.

*Enforcement of the Embargo.*

The Senate resumed the bill making further provision for enforcing the embargo.

MR. GOODRICH rose, and addressed the Senate as follows—

MR. President: This bill, making further provision for enforcing the embargo, requires all our attention. We are not on ordinary business. An embargo for an indefinite period, over a great country like ours, abounding in rich staples and domestic products, and carrying on in its own vessels an extensive and profitable commerce, is a phenomenon in the civilized world. We are about entering on the second year of this novel measure, and even in defiance of the lessons which experience teaches, that without producing any beneficial results, it is embroiling the choicest interests of the nation. On foreign powers it has made no impression, and its ruinous effect on our own country, we see in the waste of private property and public revenue; in the discontents of our citizens; in the perplexed state of the public councils, and the increasing difficulties that are fast gathering round the Government. The friends of the embargo say, that it has been evaded and violated, but that when

strictly enforced, it will compel foreign nations to respect our rights. Under these impressions, the system is to be maintained. To enforce it, the powers of the Government are to be put in array throughout our country, especially in places where discontents are manifested; and an extension is to be given to that system of arbitrary seizures of vessels, goods, merchandise, and domestic products, on suspicion of their being intended for exportation, which came in with the embargo laws, and has attended their execution.

In all this, sir, I see nothing that is to conciliate the conflicting opinions and passions of our citizens, and restore concord amongst them. I see nothing that will invigorate the public councils, and resuscitate the dormant spirit and resources of the nation. To me it seems that the Administration, without presenting to public view any definite object or course, are pressing forward our affairs into a chaos of inextricable difficulties. And I cannot but regard this bill as holding a prominent place among the measures leading on that unfortunate issue.

This bill bears marks of distrust entertained by the Government of the people, or a considerable portion of them, and of the State authorities; it places the coasting trade under further and vexatious restraints, as well as its general regulations under the control of the President. It intrenches on the municipal polity of the States, and the intercourse of the people in their ordinary business. And, what above all will wound the public sentiment, for the accustomed and mild means of executing the laws by civil process through the tribunals of justice, it substitutes military powers to be called out and exercised, not in aid, but in place, of the civil authorities.

The coasting trade is placed under the regulation of the President by this bill:

1st. Collectors may refuse permission to put a cargo on board of any ship, vessel, or boat, in any case where they have their own personal suspicions that it is intended for foreign exportation, and in every case which may be comprehended within the scope of any general instructions, issued by command of the President. But there is a proviso as to coasting vessels uniformly employed in the navigation of bays, sounds, rivers, and lakes, which shall have obtained a general permission.

2d. General permissions may be granted to the last-mentioned vessels, under such general instructions as the President of the United States may give, when it can be done without danger of the embargo being violated, to take on board such articles as may be designated in such general permission or permissions.

By these general instructions, the President may prescribe the kind and quantity of exports from, and imports into the individual States, and from and to the particular districts within a State. He may suspend them in part or in whole.

The power of issuing general instructions now proposed to be given to the President by

law, he exercised in the recess of Congress, and in my opinion, without law. The Governor of Massachusetts was authorized to give certificates, or licenses for the importation of flour into that State; and, under general instructions from the President, without personal suspicion of his own, the collector at Charleston, in South Carolina, detained a vessel; which called forth the independent exercise of the judicial power of the circuit court in that State, to control the President's instructions. I am sensible the Administration and its friends have an arduous task in executing the embargo; difficulties beset them on every side; difficulties inherent in the measure itself, and not to be overcome by accumulating rigorous penalties, and an extension of the Executive power. The power to regulate commerce is vested in Congress, and by granting it to the President, do we not transfer to him one of the most important and delicate of the legislative powers? What State would have adopted the constitution, if it had been foreseen that this power would be granted to any man, however distinguished by office?

The sections I have considered, principally affect merchants and seafaring men in their business, at stores, custom-houses, about wharves, ships, and vessels. But other sections take a wider range, and intrench on the ordinary concerns of the great body of the people, by the powers they give for unreasonable and arbitrary searches for, and seizures of their property.

Collectors of the customs throughout the United States, by the tenth section, are empowered to take into custody specie, or any articles of domestic growth or manufacture, under these circumstances, when deposited in unusual places, in unusual quantities, in places where there is reason to believe they are intended for exportation in vessels, sleighs, or other carriages, or in any manner apparently on their way towards the territories of foreign nations, or a place whence such articles are intended to be exported. And, when taken into custody, they are not permitted to be removed without bonds being given for their being relanded in some place whence, in the opinion of the collector, there is no danger of their being exported.

Without warrant founded on proof, from suspicion only, may this unbounded license be exercised. Our houses, heretofore our castles, and the secure abodes of our families, may be thrown open to the visits of collectors to search for and seize our money and goods, whenever instigated by suspicion, prejudice, resentment, or party spirit.

No place is to be protected; the people may every where be exposed, at home, on the way, and abroad. Specie and goods thus seized without warrant, and on suspicion only, are not to be removed unless and until bond with sureties shall be given for landing or delivering the same in some place of the United States, whence, in the opinion of the collector, there

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*Enforcement of the Embargo.*

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shall not be any danger of such articles being exported. These provisions strike at the vital principles of a free government; and are they not contrary to the fourth and sixth articles of amendments to the constitution? Are not these searches and seizures, without warrant, on the mere suspicion of a collector, unreasonable searches and seizures? And is not a man thereby to be deprived of property without due process of law?

The military may be employed by such person as the President may have empowered. He may designate, at certain places in the States, persons to call out such part of the land or naval forces of the United States, or of the militia, as may be judged necessary. Those will be selected who are most convenient and in all respects qualified to act in the scenes to which they may be called. In these appointments the Senate is to have no concurrence. They are to be Presidential agents for issuing requisitions to the standing army, for militia, and not amenable to any tribunal for their conduct. Heretofore a delicate and respectful attention has been paid to the State authorities on this subject. The requisitions of the General Government for the militia have been made to the Governors of the States; and what reason is there for taking a different course to enforce the embargo?

Under our present system have not insurrections been suppressed, rebellions quelled, and combinations and resistance against lawful authority overcome, by the force of the General Government in co-operation with the State Governments? Is not the authority of the marshals competent to the execution of the laws? I see no cause for these arrays of the military throughout the country, and the unrestrained license that is to be given to its operations. It is a fundamental principle of a free government, "that the military be kept in subordination to the civil power," and never be put in motion until those be found incompetent to preserve the public peace and authority. But, by the provisions of this bill, these Presidential agents may call out the standing army or militia, or part of them, to follow in the collector's train, to seize specie and goods in houses, stores, and elsewhere, and generally for executing the embargo laws. And even the public peace, so far as respects the suppressing armed and riotous assemblages of persons resisting the custom-house officers in the exercise of their duties, it would seem can no longer be confided to the States, and it is thought necessary to surround custom-house officers with bands of the standing army or militia.

The bill before us is bottomed on a report of the Secretary of the Treasury. How often were his strenuous remonstrances, and those of the chairman of the committee who reported the bill, (Mr. GILLES,) formerly heard against the extension of the Executive patronage and influence; the interference of the General Government in the local policy of the States, and, the ordinary concerns of the people; and,

above all, against standing armies? Then no such Executive prerogatives were claimed as this bill contains; no such attempts made as here are made for intrenchments on the internal policy of the States, and the ordinary concerns of the people; and then our army, small in comparison with the present establishment, was kept aloof from the affairs of the State, and the persons and property of the citizens. Our country was happy, prosperous, and respected. The present crisis is portentous. Internal disquiets will not be healed, nor public sentiment controlled, by precipitate and rash measures. It is time for the public councils to pause. This bill, sir, ought not to pass. It strikes at the vital principles of our republican system. It proposes to place the country in a time of peace under military law, the first appearance of which ought here to be resisted with all our talents and efforts. It proposes to introduce a military despotism, to which free-men can never submit, and which can never govern except by terror and carnage.

TUESDAY, December 20.

*Enforcement of the Embargo.*

Mr. GILLES said, I am sensible that I owe an apology to the Senate, as chairman of the committee, for not having made an exposition of the objects and principles of the bill, reported for consideration, at an earlier stage of the discussion. This omission has not in the smallest degree been influenced by any apprehension, that these principles are indefensible; but, in some degree, from a desire to screen myself, as much as possible, from intermixing in discussions; a task which is never agreeable, but is at present peculiarly distressing and afflicting to my feelings. I also thought that the session had already been sufficiently fruitful of discussions intimately connected with the bill before us; and that the public interests, at this time, required action. I know, too, sir, that I owe an apology to the Senate, for the great number of amendments which, under their indulgence, has been made to this bill after it was first presented to their consideration. But, sir, you will find some apology in the intrinsic difficulty and delicacy of the subject itself, and also in the disposition manifested by the committee, to give to the objections made by the opponents of the bill, that respectful attention to which many of them were certainly entitled, and to accommodate its provisions, as far as possible, to the views of those gentlemen. After every effort, however, to effect this object, it still appears that the bill presents temptations for addressing the popular sensibility too strong to be resisted by gentlemen in the opposition. They have, accordingly, with great zeal and ability, described the provisions of the bill as dangerous and alarming to the rights and liberties of the people. This, sir, is the common course of opposition, and applies to every strong measure requiring the exercise of much Executive dis-

cretion. I think, however, I shall be able to show that there is no new principle contained in the provisions of that bill; but that every provision it contains is amply justified by precedents in pre-existing laws, which have not been found to be so destructive to the rights of the people, as gentlemen strenuously insist similar provisions in this bill will be, if they receive the sanction of law. In performing this task, I shall bring into view only such parts of the bill as have been objected to by gentlemen, presuming that, as their objections have evidently been the result of great industry and deliberation, all other parts of the bill remain unobjectionable. I shall also, perhaps, avoid some of the observations respecting minute details; apply my remarks generally to principles; and thus bring my observations and replies into as short a compass as possible.

The gentleman from Connecticut (Mr. GOODRICH) commenced his remarks by declaring the embargo to be a permanent measure, deprecating its effects, as ruinous at home and ineffectual abroad. These observations have been repeatedly made by others, and already replied to by several gentlemen, as well as myself; and I am strengthened in the correctness of those replies by all the further reflections I have been enabled to bestow upon them. This part of the subject will, therefore, be passed over without further notice, except to remark, that perhaps one of the causes of the inefficacy of the measure abroad, has been the unprincipled violations of its provisions at home; and the great and leading object of the present bill is to prevent such violations. Upon this part of the subject I am happy to find that one of its most strenuous and judicious opposers (Mr. HILLHOUSE) has candidly informed the Senate, that the provisions of the bill are admirably calculated to effect that object—and if in their practical operation they should realize the character anticipated by that gentleman, I shall feel no regret for that portion of labor I have bestowed upon them. Indeed, I shall congratulate the committee as well as myself in having been so fortunate as to find a competent remedy for so great an evil.

The gentleman from Connecticut (Mr. GOODRICH) informs us, that the public councils are pressing on to measures pregnant with the most alarming results. I hope the gentleman is mistaken in his apprehensions, and I should have been much pleased if the gentleman had been good enough to point them to a better course; but, sir, he has not done so, nor has any gentleman on the same side of the question. Indeed, sir, it would give me great pleasure to do something that would be agreeable to our Eastern friends; but, unfortunately, amidst all the intrinsic difficulties which press upon us, that seems to be not among the least of them. The gentlemen themselves will not explicitly tell us what would produce the effect—and I am inclined to think that nothing short of putting the Government in their hands would do it. Even this would

not be exempt from difficulties. The gentlemen from that part of the United States are nearly equally divided among themselves respecting the proper course of measures to be pursued, and there is an immense majority in every other part of the United States, in favor of the measures proposed; we are therefore surrounded with real and intrinsic difficulties from every quarter, and those of a domestic nature are infinitely the most formidable, and most to be deprecated. Indeed, sir, under present circumstances, the administration of the Government cannot be a pleasant task; and, in my judgment, it requires a great effort of patriotism to undertake it, not on account of external pressures, but on account of internal discontents, stimulated, too, by so many artful intrigues. But for these unfortunate circumstances, every gentleman would feel an honorable pride in contributing his efforts to devise measures for repelling foreign aggressions, and he would court the responsibility attached to his station. I would not, Mr. President, give up a scintilla of that portion of the responsibility which the crisis imposes on me. Indeed, sir, to have the honor of bearing my full share of it, is the only inducement I have at this moment for occupying a place on this floor. Without that consideration I should now be in retirement. But when I turn my eyes upon internal divisions, discontents and violations of law, and am compelled to think of measures for their suppression, it produces the most painful sensations and distressing reflections.

The great principle of objection, the gentlemen tell us, consists in the transfer of legislative powers to the Executive Department. This is an old an abstract question, often heretofore brought into view, and leads to endless discussion. I think I shall be able to show that the bill introduces no new principle in this respect, but only applies an established principle to new practical objects. The general principle of the separation of departments is generally admitted in the abstract; but the difficulties in this discussion arise from applying the principle to practical objects. The great difficulty exists in the attempt to fix on the precise boundary line between legislative and Executive powers in their practical operation. This is not possible. You might attempt the search for the philosopher's stone, or the discovery of the perpetual motion, with as much prospect of success. The reason of this difficulty is, that the practical objects and events to which this abstract principle is attempted to be applied, are perpetually varying, according to the practical progression of human affairs, and therefore cannot admit of any uniform standard of application. This reflection might have saved the gentleman from Massachusetts (Mr. LLOYD) the trouble of reading to us the constitution or bill of rights of Massachusetts, in which the principle of separation of departments is very clearly and properly laid down, and which will be very readily assented to in the abstract, but which

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forms no part of the question in dispute. It cannot, however, escape observation, that this principle is not laid down, even in the abstract, in the Constitution of the United States; and, although it is the leading principle of the constitution, and probably was the principal guide in its formation, it is nevertheless in several respects departed from.

This body partakes essentially both of the legislative and Executive powers of the Government. The Executive Department also partakes of the legislative powers, as far at least as an approbation of, and a qualified negative of the laws extend, &c. I make these observations, however, not in derogation of the general principle of the separation of powers among the several departments, so far as is practicable, but merely to show that there must necessarily be some limitations in its practical operation. Perhaps the best general rule for guiding our discretion upon this subject will be found to consist in this: That legislation ought to extend as far as definition is practicable—when definition stops, execution must necessarily begin. But some of the particular provisions of this bill will furnish more precise illustrations of my opinions upon this question; it will, therefore, be waived until I shall come to their consideration.

I will now proceed to examine the more particular objections urged against the detail of this bill. Its provisions respecting the coasting trade are said to be objectionable in the following respects:

First objection: The penalty of the bonds required, is said to be excessive. To enable us to decide correctly upon this point, the object proposed to be effected, and the penalty required, should be considered in reference to each other. The object is to prevent, by means of coasting vessels, domestic articles from being carried abroad. Flour, for instance, to the West Indies. The price of that article here is less than five dollars; in the West Indies it is said to be thirty and upward. The penalty of the bonds required is six times the amount of the value of the vessel and cargo. Is any gentleman prepared to say a smaller penalty will effect the object? I presume not. Indeed, the committee were disposed to put it at the lowest possible point, consistently with an effectuation of the object; and probably it is rather too low for that purpose. As to the penalty, according to the tonnage of vessels, it is believed no alteration in the existing laws is made in that respect. These penalties will appear the more reasonable, when it is recollected, that through the indulgence given of the coasting trade, most of the violations of the embargo laws have been contrived and effected.

Second objection: The collectors may be influenced by party spirit in the exercise of their discretion. It is hoped that this will not be the case, and if it were, it would certainly be much to be regretted. It may, however, probably happen, and is one of the inconveniences of the system.

Third objection: The high penalties of the bonds will drive many persons of small means from their accustomed occupations. They will not be able to procure the competent security for their prosecution. It is not to be presumed that this will be the effect to any great extent. If the owner is known to be honest, and has in view legal and honest objects, I have very little apprehension of his not being able to get the security required. But here the question recurs, are these apprehended inconveniences of such a nature as to render it necessary to abandon a great national object, for the accommodation of a few individuals who are affected by them? Is the last effort to preserve the peace of the nation, to be abandoned from these considerations? I should conclude, certainly not.

The next objections are made to the seventh section of the bill, which provides that stress of weather, and other unavoidable accidents at sea, shall not be given in evidence in a trial at law to save the penalty of bonds given as security against the violation of the embargo laws. It is known that, through pretexts derived from this permission, at present, most of the violations of these laws have been committed with impunity—it is, therefore, important to the future execution of the laws, to take away these pretexts. But it is objected that this regulation manifests a distrust of oaths. It does, of what is called custom-house oaths; their violation is already almost proverbial; it does not, however, produce nor encourage this profligacy; it takes away the temptation to it. It is further said, it impairs the trial by jury—very far from it; the trial by jury still exists; this provision only regulates the evidence to be produced before the jury. Gentlemen state particular hardships which may take place under this regulation. It is easy to state possible hardships under any general regulation; but they have never been deemed sufficient objections to general regulations producing in other respects beneficial results. This bill, however, contains a provision for relief in all cases of hardships under the embargo laws. The Secretary of the Treasury is authorized to grant relief in all such cases. This power vested in the Secretary, is also objected to. It is said to manifest a distrust of courts, and to transfer their powers to the Secretary of the Treasury. Whatever may be my distrust of some of the courts of the United States, I can say that consideration furnished no inducement to this provision. It is a power not suited to the organization of courts, and it has for a long time been exercised by the Secretary of the Treasury without being complained of. Congress proceeded with great caution on this subject. On the third day of March, 1797, they first introduced this principle into their laws in relation to the collection of the revenue; and, after an experiment of nearly three years, on the eleventh day of February, 1800, they made the law perpetual. This will appear from the 12th section of this bill, which merely borrows this provision from pre-existing laws. It intro-

duces no new principle whatever. This doctrine is carried still further, by an act passed the 8d of March, 1807, in the eighth volume of the laws, page 318 :

'An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.

"And it shall moreover be lawful for the President of the United States to direct the Marshal, or officer acting as Marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make or attempt to make a settlement thereon, until authorized by law."

Here the President is authorized to use the military force to remove settlers from the public lands without the intervention of courts; and the reason is, that the peculiarity of the case is not suited to the jurisdiction of courts, nor would their powers be competent to the object, nor, indeed, are courts allowed to interfere with any claims of individuals against the United States, but Congress undertakes to decide upon all such cases finally and peremptorily, without the intervention of courts.

This part of the bill is, therefore, supported both by principle and precedent.

While speaking of the distrust of courts, I hope I may be indulged in remarking, that individually my respect for judicial proceedings is materially impaired. I find, sir, that latterly, in some instances, the callous insensibility to extrinsic objects, which, in times past, was thought the most honorable trait in the character of an upright judge, is now, by some courts, entirely disrespected. It seems, by some judges, to be no longer thought an ornament to the judicial character, but is now substituted by the most capricious sensibilities.

WEDNESDAY, December 21.

*Enforcement of the Embargo.*

Mr. POPE spoke in favor of the bill.

And on the question, Shall this bill pass? it was determined in the affirmative—yeas 20, nays 7, as follows :

YEAS.—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Kitchel, Milledge, Mitchell, Moore, Pope, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

NAYS.—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Mathewson, Pickering, and White.

WEDNESDAY, December 28.

The VICE PRESIDENT being absent by reason of the ill state of his health, the Senate proceeded to the election of a President *pro tempore*, as the constitution provides; and STEPHEN R. BRADLEY was appointed.

FRIDAY, January 6, 1809.

RETURN JONATHAN MEIGS, jun., appointed a

Senator by the General Assembly of the State of Ohio, to fill the vacancy occasioned by the resignation of JOHN SMITH, and, also, for six years ensuing the third day of March next, attended, and produced his credentials, which were read; and the oath prescribed by law was administered to him.

TUESDAY, January 10.

JAMES A. BAYARD, from the State of Delaware, attended.

MONDAY, January 16

The credentials of MICHAEL LEIB, appointed a Senator by the Legislature of the State of Pennsylvania, to fill the vacancy occasioned by the resignation of SAMUEL MACLAY, were read, and ordered to lie on file.

THURSDAY, January 19.

MICHAEL LEIB, appointed a Senator by the Legislature of the State of Pennsylvania, to fill the vacancy occasioned by the resignation of the Honorable SAMUEL MACLAY, attended, and the oath prescribed by law was administered to him.

TUESDAY, January 24.

*Foreign Intercourse—the Two Millions Secret Appropriation—Florida the object.*

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*To the Senate of the United States :*

According to the resolution of the Senate, of the 17th instant, I now transmit them the information therein requested, respecting the execution of the act of Congress of February 21, 1806, appropriating two millions of dollars for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

JANUARY 24, 1809.

TH. JEFFERSON.

The Message and documents were read, and one thousand copies thereof ordered to be printed for the use of the two Houses of Congress.

In compliance with the resolution of the Senate, so far as the same is not complied with by the report of the Secretary of the Treasury of the 20th instant, the Secretary of State respectfully reports, that neither the whole nor any portion of the two millions of dollars appropriated by the act of Congress of the 21st of February, 1806, "for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," was ever authorized or intended to be applied to the use of either France, Holland, or any country other than Spain; nor otherwise to be applied to Spain than by treaty with the Government thereof, and exclusively in consideration of a cession and delivery to the United States of the territory held by Spain, eastward of the river Mississippi. All which is respectfully submitted.

JAMES MADISON.

DEPARTMENT OF STATE, Jan. 21.

MONDAY, January 30.

The VICE PRESIDENT having retired, the Senate proceeded to the election of a President *pro*

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Proceedings.

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*tempore*, as the constitution provides; and the Hon. JOHN MILLEDGE was appointed.

THURSDAY, February 2.

The credentials of SAMUEL WHITE, appointed a Senator by the Legislature of the State of Delaware, for six years, commencing on the 4th of March next, were read, and ordered to lie on file.

TUESDAY, February 7.

*Examination and Count of Electoral Votes for President and Vice President.*

Mr. SMITH, of Maryland, from the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the President, reported in part the following resolution, which was read and agreed to:

*Resolved*, That the two Houses shall assemble in the Chamber of the House of Representatives, on Wednesday next, at 12 o'clock; that one person be appointed a teller on the part of the Senate, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, to be entered on the Journals of the two Houses.

*Ordered*, That Mr. SMITH, of Maryland, be appointed teller on the part of the Senate, agreeably to the foregoing resolution.

A message from the House of Representatives brought to the Senate "the several memorials from sundry citizens of the State of Massachusetts, remonstrating against the mode in which the appointment of Electors for President and Vice President has been proceeded to on the part of the Senate and House of Representatives of said State, as irregular and unconstitutional, and praying for the interference of the Senate and House of Representatives of the United States, for the purpose of preventing the establishment of so dangerous a precedent."

The message last mentioned, referring to the memorials of sundry citizens of the State of Massachusetts, was read.

*Ordered*, That the message and memorials lie on the table.

A message from the House of Representatives informed the Senate that the House agree to the report of the joint committee "appointed to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, and to regulate the time, place, and manner of administering the oath of office to the President," and have appointed Messrs. NICHOLAS and VAN DYKE tellers on their part.

WEDNESDAY, February 8.

The two Houses of Congress, agreeably to the

joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors for the several States were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the President of the Senate, which was read, as follows:

STATES.	For President.			For Vice President.			
	James Madison.	George Clinton.	C. C. Pinckney.	George Clinton.	James Madison.	James Monroe.	John Langdon.
New Hampshire	-	-	7	-	-	-	7
Massachusetts	-	-	19	-	-	-	19
Rhode Island	-	-	4	-	-	-	4
Connecticut	-	-	9	-	-	-	9
Vermont	-	-	6	-	-	-	6
New York	13	6	-	13	3	3	-
New Jersey	-	8	-	-	8	-	-
Pennsylvania	-	20	-	-	20	-	-
Delaware	-	-	3	-	-	-	3
Maryland	-	9	2	-	9	-	2
Virginia	-	24	-	-	24	-	-
North Carolina	-	11	3	-	11	-	3
South Carolina	-	10	-	-	10	-	-
Georgia	-	6	-	-	6	-	-
Kentucky	-	7	-	-	7	-	-
Tennessee	-	5	-	-	5	-	-
Ohio	-	3	-	-	-	-	3
Totals	122	647	113	3	3	9	47

The whole number of votes being 175, of which 88 make a majority.

Whereupon the President of the Senate declared JAMES MADISON elected President of the United States for four years, commencing with the fourth day of March next; and GEORGE CLINTON Vice President of the United States for four years, commencing with the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated; and the Senate returned to their own Chamber.

On motion, by Mr. SMITH of Maryland,

*Resolved*, That the President of the United States be requested to cause to be delivered to JAMES MADISON, Esq., of Virginia, now Secretary of State of the United States, a notification of his election to the office of President of the United States; and to be transmitted to GEORGE CLINTON, Esq., of New York, Vice President elect of the United States, notification of his election to that office; and that the President of the Senate do make out and sign a certificate in the words following, viz:

*Be it known*, That the Senate and House of Representatives of the United States of America, being convened at the city of Washington, on the second Wed-

nesday in February, in the year of our Lord one thousand eight hundred and nine, the underwritten, President of the Senate *pro tempore*, did, in presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for a President and Vice President of the United States. Whereupon, it appeared that JAMES MADISON, of Virginia, had a majority of the votes of the Electors as President, and GEORGE CLINTON, of New York, had a majority of the votes of the Electors as Vice President. By all which it appears that JAMES MADISON, of Virginia, has been duly elected President, and GEORGE CLINTON, of New York, has been duly elected Vice President of the United States, agreeably to the constitution.

In witness whereof, I have hereunto set my hand, and caused the seal of the Senate to be affixed, this — day of February, 1809.

And that the President of the Senate do cause the certificate aforesaid to be laid before the President of the United States with this resolution.

TUESDAY, February 21.

The credentials of JOSEPH ANDERSON, appointed a Senator for the State of Tennessee, by the Executive of that State, from and after the expiration of the time limited in his present appointment, until the end of the next session of the Legislature thereof, were presented and read, and ordered to lie on file.

*Franking Privilege to Mr. Jefferson.*

The bill freeing from postage all letters and packets to Thomas Jefferson was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

*Non-Intercourse.*

Mr. TIFFIN, from the committee, reported the bill to *interdict* the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, correctly engrossed; and the bill was read the third time, and the blanks filled—section three, with the words *twentieth* and *May* in two instances.

On motion by Mr. BRADLEY, the words, “or being pursued by the enemy,” were stricken out of the first and third sections, by unanimous consent.

Mr. LLOYD addressed the Senate as follows:

Mr. President: When the resolution on which this bill is founded was brought forward, I had expected it would have been advocated—as a means of preserving peace—as a menace to the belligerents, that a more rigorous course of conduct was about to be adopted towards them, on the part of the United States, provided they continued to persist in their injurious decrees, and Orders in Council—as giving us time to prepare for war—or as a covert, but actual war, against France and Great Britain.

I feel indebted to the honorable gentleman from Virginia, (Mr. GILES,) for not only having very much narrowed the consideration of this

subject, but for the open, candid, and manly ground he has taken, both in support of the resolution and the bill. I understood him to avow, that the effect must be war, and that a war with Great Britain; that, notwithstanding the non-intercourse attached to this bill, the merchants would send their vessels to sea; those vessels would be captured by British cruisers; these captures would be resisted; such resistance would produce war, and that was what he both wished and expected. I agree perfectly with the gentleman, that this is the natural progress, and must be the ultimate effect of the measure; and I am also glad, that neither the honorable Senate nor the people of the United States can entertain any doubts upon the subject.

I understood the gentleman also to say, that this was a result he had long expected. Now, sir, as there have been no recent decrees, or Orders in Council issued, if war has been long looked for, from those now in operation, I know not what excuse those who have the management of our concerns can offer to the people of the United States, for leaving the country in its present exposed, naked, and defenceless situation.

What are our preparations for war? After being together four-fifths of the session, we have extorted a reluctant consent to fit out four frigates. We have also on the stocks, in the navy yard and elsewhere scattered along the coast, from the Mississippi to the Schoodick, one hundred and seventy gunboats, which, during the summer season, and under the influence of gentle western breezes, may, when in commission, make out to navigate some of our bays and rivers, not, however, for any effectual purposes of defence, for I most conscientiously believe, that three stout frigates would destroy the whole of them; and of the enormous expense at which this burlesque naval establishment is kept up, we have had a specimen the present session, by a bill exhibited to the Senate, of eight hundred dollars for medical attendance, on a single gunboat for a single month, at New Orleans. If other expenditures are to be made in this ratio, it requires but few powers of calculation to foretell that, if the gunboats can destroy nothing else, they would soon destroy the public Treasury.

We have also heard of a project for raising fifty thousand volunteers, which has, I believe, been very properly stifled in its birth, and we have appropriated, during the present session, one hundred and fifty thousand dollars towards the erection, repairing, and completion of our fortifications. A sum about equal to the expenditure of the British Government for six weeks, or two months, on a single fortress in the Province of Canada, and which sum, with us, is to put into a state of defence, against the naval power of Great Britain, an exposed and accessible maritime frontier of two thousand miles in extent!

In contemplating war, it is also proper to advert to the state of the Treasury. Under such



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*Non-Intercourse.*

[SENATE.]

an event, and with any serious preparation for war or actual prosecution of it, the present funds would soon be exhausted. How soon cannot be stated, because the amount of them cannot be accurately ascertained. A part, and a considerable part, of the money now on hand, does not belong to the public. It is the property of the merchants; it is deposited in the Treasury as in a bank, to be checked for, whenever that commerce, which Mr. Jefferson, in his Notes on Virginia, most emphatically says, our country *will have*, shall be again reopened.

And thus situated, what are the projects offered for replenishing the public coffers in future? It is the duty of the Secretary of the Treasury to develop the resources of the nation, and to point out new sources of supply, whenever the usual channels are impeded. He has designated three modes. The first, if executed, embraces, in my view, and I am sorry to say it, a marked violation of the public faith. It is the suggestion of stopping drawbacks on merchandises, which, in many instances, the merchants, from a reliance on the stability of your laws, and the integrity of the Government, have imported expressly for exportation, and not for domestic use or consumption in this country, and which exportation you have prevented them, alike contrary to their inclinations and their interests, from making for a longer period than ever was known or endured in any other nation.

The second project is one which, in my opinion, would do little honor to the genius of any man. It is a sweeping project for doubling, at the moment, the duties on every description of imported merchandise, on which a duty is now payable. Without notice to the merchant, without inquiry, without discrimination, without distinction between the necessities of the poor man and the luxuries of the rich one; between the indispensable raw materials of the manufacturer and the useless decorations of fashion. By which, both tea and Madeira wine, brown sugar and cosmetics, coaches and carpenters' tools, are all, by a single stroke of the pen, raised in the same ratio; and a duty of 100 per cent. on the present rates, without favor or affection, equally recommended to be imposed on the whole of them.

The third project is certainly not a novel one; it is simply that of shifting the burden off our own shoulders on to those of our successors: it is that of borrowing money on loans.

I have been, sir, among those who have respected the intelligence and acuteness of the Secretary of the Treasury. I have thought the office very ably filled; nor has my estimation of his talents been diminished from the few personal conferences I have had with him since I have been in this city; but if his fame rested on no firmer a basis than the reports made to Congress the present session, in relation to enforcing the embargo laws, and to our fiscal concerns, then an infant's breath might easily burst the bubble. At any rate, it may very truly be

said, that if such are our preparations for commencing, and our resources for continuing a war, they are those which will serve neither to inspirit ourselves, nor to frighten our enemies.

If we are to have war, with whom is it to be prosecuted—not in terms I mean, but in fact? Certainly not with France. Her few possessions in the West Indies have probably, by this time, ceased to belong to her, and between her European territories and the United States a gulf intervenes, a power is interposed, which neither the Emperor of the West nor the King of the two Americas can either fathom or resist.

It then appears, if we are to have war, it is to be a covert war with the two belligerents, but in reality an actual war with Great Britain alone, and not a war with both France and Great Britain, as the face of this bill seems to import.

If this be the determination of our Government, and the war is to commence at a future day, and not instantly, what is the course which policy would dictate to this country to pursue? Certainly not a prohibition of the importation of her manufactures. A long period of years must elapse before we can furnish for ourselves many articles we receive from her even of the first necessity, or those which, from habit, have become such to us. We should, therefore, sedulously endeavor, not only to guard against exhausting our present stock, but to adopt every means in our power to replenish it.

It would be expedient to throw wide open the entrance of our ports for importations, to overstock as much as possible the United States with British manufactures. This would procure for us a double advantage; it would promote our own accommodation, by giving us the means of commencing and prosecuting war with fewer privations, and it would powerfully tend to unite the interests of a certain class of the inhabitants of that country with our own—for, as the mass of importations from Great Britain are made on long credits, should a war ensue before such credits are cancelled, it is obvious that, until the conclusion of the war, those debts could not be collected, and this circumstance alone, to a certain extent, might operate as a preventive check to war, or, at any rate, would secure in the bosom of the British nation a party whose interests and feelings would be intimately connected with a speedy return of peace.

By adopting a non-intercourse antecedent to a state of war, our own stock of supplies becomes exhausted, the British merchants have time and notice given them to collect, or alienate, by assignment, their debts in this country. A warning is given them to buckle on their armor; their good disposition towards us is not only changed, but embittered, and the very persons who, in the one case, might possibly prevent a war, or be instrumental in effecting the restoration of peace, would, in the other, probably be among the most willing to rush into the contest, from the impulse of temper, and

from the conviction that their own circumstances would not be deteriorated by its consequences.

A non-intercourse would also be attended with great hazard and disadvantage. It would be as well understood by others as by ourselves; it could alone be considered as the precursor of war; and the blow would be struck, not when we were prepared, but when our opponents were ready for the contest; and should this bill go into operation, it is very possible that during the ensuing summer, some of our cities may exhibit heaps of ruins and of ashes, before expresses could convene at the seat of Government even the heads of our departments.

Another evil would arise, and that a permanent one; whether a non-intercourse eventuated in war or peace, it would materially and adversely affect both the habits of the people and the revenue of the State. Many of the articles which are now imported from Great Britain are indispensable for our comfort, and some of them for our existence. The people cannot do without them: the consequence must be, that, instead of being regularly imported, the articles will be smuggled into this country, and thereby the price not only becomes greatly enhanced to the consumer, but the duties are wholly lost to the Government.

Hitherto, the revenue of the United States, arising from impost, has been collected with a degree of integrity and punctuality highly honorable and unexampled in the history of commercial nations. This successful collection of duties has not however been effected by the employment of swarms of revenue officers, spies, and informers, as in other countries; it has been infinitely more effectually secured, by an honorable pride of character, and that sentiment of affection which was naturally excited in the hearts of freemen towards the Government of their choice, and a Government under which, in the main, they have experienced much prosperity. But barriers of this description, like other high-toned sentiments of the mind, being once broken down, can with difficulty be restored, and the chance of materially impairing this, in reality, "cheap defence of nations," should, in my opinion, of itself, afford a sufficient reason for the rejection of all measures of doubtful policy.

In a country nearly surrounded by, and everywhere intersected with navigable waters, encompassed by a frontier beyond the ability of ten Bonapartean armies to guard, and inhabited by a race of men unrivalled for hardihood and enterprise, and at present in a state of poverty, the temptation of great prices will be irresistible—for there is no truism in morals or philosophy better established than the commercial axiom, that demand will ultimately furnish a supply.

There are, undoubtedly, periods in the history of a nation, in which a contest would be both honorable and indispensable, but it should ever be the result of great deliberation, and in an extended republic, perhaps, of necessity. That

government is most wise and most patriotic, which so conducts the affairs of the nation over which it presides, as to produce the greatest ultimate good; and when a nation is attacked at the same time by two assailants, it is no reflection on its honor or its bravery, to select its opponent; and on principles of reciprocity, independently of those of interest, the first aggressor would undoubtedly be entitled to the first notice.

Who then has been the first aggressor? I answer, France. The Berlin Decree is in a great measure the cause of our present difficulties. In justification of France in doing this, I know gentlemen resort to the convention between Russia and Great Britain in 1793, to prohibit a supply of grain to France; but this is by no means sufficient justification to France, even without referring to a decree to the same effect issued in May of the same year by France, while she was ignorant of the secret stipulation between Russia and Great Britain.

For a long period, and among most of the maritime nations of Europe, the right of inhibiting a supply of provisions to an enemy, was tacitly acquiesced in, or expressly admitted. This practice existed even so long ago as the Mithridatic war, and has probably been followed up, without an interval at any one time of fifty years, from the commencement of the Christian era to the present day. This attempt, therefore, of Great Britain to injure France, formed no excuse for France to attempt to injure Great Britain by violating the commerce of the United States.

On the 31st of December, 1806, the British Government formally notified the American Government, that Great Britain would consider an acquiescence in the Berlin Decree on the part of neutral nations, as giving to her (Great Britain) the right to retaliate in the same way against France.

Had the American Government, at this period, manfully and explicitly made known its determination to support our rights at all hazards, I have no belief that our present difficulties would ever have existed.

In May succeeding, advices were received of French privateers, under this decree, depredating upon American vessels in the West Indies; and during the same month the ship *Horizon*, in distress, was thrown by the act of God on the French coast, and was seized under the same authority.

In November, 1807, the British, in conformity with their notice, issued their retaliating order. A prior Order in Council of January, 1807, had been issued, but this only affected vessels trading between different ports of France, or between ports of France and her allies; a trade always obnoxious to suspicion, and one which during war must ever be expected in a great degree to be restricted, and which is also interdicted by a standing law of the French Government, passed in 1778, and confirmed by the present Emperor.

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Additional Duties.

[SENATE.]

Then followed in succession, on the part of France, the Milan and Bayonne decrees. The last of which dooms an American vessel to condemnation from the exercise of a right universally acknowledged to belong to belligerents, and one which the neutral has no possibility of preventing, that of being spoken with by an enemy cruiser, which from her superior sailing there was no possibility of avoiding. In point of principle, this is the most outrageous violation of neutral rights ever known, and this, too, took place under the existence of a treaty made within a few years by the same person who issued these very decrees. While with Great Britain we have no treaty, and whose orders are expressly bottomed upon and limited in duration by the French decrees, and issued after having given twelve months' notice of her intention to oppose them in this way, and the Orders in Council are even as yet not co-extensive in principle with the French decrees.

I have, in taking this brief view, confined myself exclusively to the decrees and orders of the two Governments, without adverting to other causes of complaint on either side. I consider myself as warranted in doing this, from the American Government having explicitly taken this ground, and made known that, on the removal of the decrees and orders, it would, on our part, remove the embargo, and restore the accustomed intercourse between the two countries.

From this consideration of the subject, it irresistibly follows, that France was the first aggressor on us, in issuing her decrees—that in point of principle, they are much more outrageous violations of right than the British Orders in Council—that the latter originate from, and co-exist only with the former, and that France should of consequence be the first object of our vengeance.

The effects of a war with one or the other nation, would be as distinctly perceptible. With France it would make no difference to us. For as long as she continues her decrees, commerce with her could not be prosecuted—no man would be mad enough while her coast is lined, and the ocean covered with British cruisers, to send his vessel to France, where she would meet with certain condemnation for being even seen and spoken with by a British frigate. With France, therefore, the actual difference arising from passing this bill, and declaring a non-intercourse, would be next to nothing.

With Great Britain the effects would be reversed. No one now doubts her ability or disposition to carry her orders into effect, nor her preparation to extend the theatre of war. If we commenced war upon France, as she would be the common enemy of both nations, there is no doubt in my mind that our differences with Great Britain would be favorably settled, that the commerce of the world, excepting as it respects France and her allies, would be again open to us, and that a trade, which has hitherto employed nearly seventy millions of our capital,

might be again accessible to the industry and enterprise of our citizens.

Reverse this picture, admitting that you have a war with Great Britain, what will be its consequences? If your citizens are united, you can capture Canada, Nova Scotia, and New Brunswick; when you have effected this, what remains next to be done? You have reached the *ne plus ultra* of your ability. Thenceforward your ports are hermetically sealed. Privateering, from the convoy system adopted by Great Britain, could not be successfully prosecuted; no food for enterprise remains, and thus you would remain, five, ten, or fifteen years, as the case might be, until the wisdom and good sense of the nation predominated over its passion, when an accommodation would be made with Great Britain, following her example with regard to her West India conquests, restoring the captured provinces, enriched by American population and industry, and giving us perhaps a treaty still less favorable than the much execrated instrument of 1794, which, bad as it was said to be, has proved a *cornucopia* of wealth to our country, if it produced nothing less than a thirteen years' peace, and which, to my view, is vastly preferable to its abortive successor of the year eighteen hundred and six.

The question was now taken on the passage of the bill, and determined in the affirmative—yeas 21, nays 12, as follows:

YEAS.—Messrs. Anderson, Condit, Franklin, Gailard, Giles, Gregg, Howland, Kitchel, Leib, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, and Tiffin.

NAYS.—Messrs. Bayard, Crawford, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, Reed, Sumter, Turner, and White.

So it was resolved that this bill pass, and that the title thereof be, "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

FRIDAY, February 24.

Additional Duties.

The bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," was read the third time as amended.

Mr. LLOYD moved to postpone the further consideration of this bill until the first Monday in June next; and addressed the chair as follows:

Mr. President: After the observations which I have before made, sir, on this bill, and the detailed consideration which was given to it yesterday, I should not again rise, were the subject not a commercial, and an exceedingly important one; nor is it now my intention to make more than a few remarks, and these the Senate will probably think entitled to more than usual respect, when I inform them they will principl-

pally be, neither my own, nor wholly accordant with my opinions.

This bill can only be advocated upon the ground that a war is about to ensue, and that, to prepare the public Treasury to sustain the prosecution of such war, this proposed duty is necessary. My purpose is to cite some authorities to show that neither the one nor the other is either expected or necessary; and the authorities I shall adduce to prove this, are those to which the Senate is accustomed to pay the highest respect.

[Here Mr. Lloyd quoted from Mr. Gallatin's Treasury reports, to show that he deemed loans preferable to taxes if war ensued, and that there was revenue enough until the next winter.]

Now, sir, it is clear, from the showing even of this honorable gentleman whose calculations are received with so much respect here, that whether there is peace, war, or embargo, our resources are yet abundant to carry us on, at least until the next winter; and as we are to meet again in three months, it follows that the present undigested project must be worse than useless.

To all this mass of evidence and authority against both the necessity and policy of laying this duty, I have only to add a few observations to show that it will, in its operation, be both unequal and unjust.

It is well known that permanent duties, except on their first imposition, are paid by the consumer; but whenever duties are to be of short duration, as in the present instance, or until the stocks of merchandise prior to the assessment of the duty are run off, the price does not rise in ratio with the duty, and that, of consequence, the whole, or part of the duty, is thus much of loss to the merchant. This, in a degree, cannot be avoided, nor is it even a subject of complaint, where due notice has been given of the intention to lay the duty; but if it be imposed without notice, or giving time for preparation, then the interest of the merchant is sacrificed.

The basis of all commerce is calculation; what calculation can be found for distant enterprises when the data are perpetually shifting? If a merchant rests on the stability of the laws of the Government, and sends away his vessel, and on her return finds a new duty of 50 per cent. imposed, which, for the circumstance of it, the consumer does not pay, his whole calculations are defeated, and he pockets a loss instead of a profit for his industry.

Commerce is very probably as well understood in England as any where. In that country new duties on imports are imposed with great caution; whenever contemplated, the subject is generally a long time under consideration, sometimes hanging over from one session to another. The Ministry make it a point frequently to consult committees of merchants from most of the principal seaports in the kingdom. The result is, the subject is well considered; and, when the duties are imposed, they are submitted to

with cordiality and cheerfulness. Mr. Pitt, in the latter part of his life, always adopted this mode. He did not think it condescension to consult merchants on subjects with which they were better acquainted than himself. In the early part of his administration, I have understood, he rashly imposed some additional and heavy duties on imported merchandise; the consequence was, the revenue diminished, and smuggling increased. With his characteristic vigor, he determined to stop it, and lined the coast with luggers, revenue cutters, and frigates; still the revenue did not increase. He consulted the merchants—they told him the articles were taxed beyond their bearing; he manfully retraced his steps, and took off the additional duty—and immediately smuggling did not pay its cost—his luggers, cutters, and frigates, became useless, and the revenue advanced to its ancient standard. This is one among many memorable instances that might be adduced to show that an unwise augmentation of duties is very far from producing an increase of revenue.

There is another view of the subject on which I shall say a few words. This new duty will operate as a bounty to monopolizers, forestallers, and speculators. Gentlemen are not aware of the avidity with which mercantile men have regarded the proceedings of this session. I am told that, within half an hour after the question was taken, about a fortnight since, in the other House, ten expresses started for different parts of the United States. It is notorious that English and West India goods, and most articles of foreign merchandise in the United States, have been bought up by speculators; it is now in the hands of a few persons; by passing this law, you discourage new importations, and enable the present holders to grind the poor, by extorting high prices for the articles they hold, from a want of competition in the market. From all these views of the subject, and from the sentiments I have quoted from the President, Mr. Gallatin, and General Smith, it is apparent that this measure is unwise, unnecessary, and impolitic.

I am unwilling, sir, to take up the time of the Senate; but, however unavailing may be the efforts of my friends and myself, I wish to have it recorded that I was neither ignorant of the very injurious operation of this bill upon my constituents, nor unwilling to endeavor to prevent it. I therefore ask the indulgence of the Senate, that the ayes and noes may be taken when this question is decided.

And on the question, it was determined in the negative—yeas 10, nays 19, as follows:

YEAS.—Messrs. Bayard, Bradley, Gilman, HILHOUSE, Lloyd, Mitchill, Parker, Pickering, Reed, and White.

NAYS.—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Gregg, Howland, Kitchel, Leib, Meigs, Milledge, Moore, Pope, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, and Turner.

On motion, by Mr. SMITH, of Maryland, the

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Proceedings.

[SENATE.]

further consideration of the bill was postponed to Monday next.

FRIDAY, March 8.

A message from the House of Representatives informed the Senate that the House disagree to the first and fourth amendment of the Senate to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment and the Navy of the United States for the year 1869;" and they agree to the other amendments to the said bill.

*Oath of Office to the President elect.*

The PRESIDENT communicated to the Senate the following letter from the President elect of the United States :

CITY OF WASHINGTON, March 2, 1869.

Sir: I beg leave, through you, to inform the honorable the Senate of the United States, that I propose to take the oath which the constitution prescribes to the President of the United States, before he enters on the execution of his office, on Saturday the 4th instant, at twelve o'clock, in the Chamber of the House of Representatives.

I have the honor to be, with the greatest respect, sir, your most obedient and most humble servant,  
JAMES MADISON.

The Hon. JOHN MILLEDGE,

*President pro tempore of the Senate.*

*Five o'clock in the Evening.*

*Adjournment.*

Mr. MITCHELL, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

Ordered, That the Secretary notify the House of Representatives that the Senate having finished the business before them, are about to adjourn.

The Secretary having performed that duty, the Senate adjourned without day.

## EXTRA SESSION.

*The President of the United States*

*to —, Senator for the State of — :*

Certain matters touching the public good requiring that the Senate should be convened on Saturday, the fourth day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day; then and there to deliberate on such communications as shall be made to you.

TH. JEFFERSON.

WASHINGTON, Dec. 30, 1868.

SATURDAY, March 4.

In conformity with the summons from the President of the United States, the Senate assembled in the Chamber of the House of Representatives.

PRESENT :

JOSEPH MILLEDGE, from the State of Georgia,  
*President pro tempore.*

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NICHOLAS GILMAN, and NAHUM PARKER, from New Hampshire.

TIMOTHY PICKERING, from Massachusetts.

CHAUNCEY GOODRICH, from Connecticut.

ELISHA MATHEWSON, from Rhode Island.

STEPHEN R. BRADLEY, from Vermont.

JOHN SMITH, from New York.

AARON KITCHEN, from New Jersey.

ANDREW GREGG, from Pennsylvania.

JAMES A. BAYARD, from Delaware.

PHILIP REED, from Maryland.

WILLIAM B. GILES, from Virginia.

JAMES TURNER, and JESSE FRANKLIN, from North Carolina.

THOMAS SUMTER, and JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD, from Georgia.

BUCKNER THURSTON, and JOHN POPE, from Kentucky.

DANIEL SMITH, from Tennessee.

EDWARD TIFFIN, from Ohio.

JOHN LAMBERT, appointed a Senator by the Legislature of the State of New Jersey for six years, and SAMUEL SMITH, appointed a Senator by the Executive of the State of Maryland, attended, and their credentials were read.

JAMES LLOYD, junior, appointed a Senator by the Legislature of the State of Massachusetts, attended, stating that he was elected, but not in possession of his credentials.

JOSEPH ANDERSON, from the State of Tennessee; RICHARD BRENT, from the State of Virginia; JAMES HILLHOUSE, from the State of Connecticut; MICHAEL LEIB, from the State of Pennsylvania; RETURN J. MEIER, from the State of Ohio; JONATHAN ROBINSON, from the State of Vermont; SAMUEL WHITE, from the State of Delaware, severally attended.

The oath required by law was administered to the Senators above mentioned, in the six years' class, respectively, except to Mr. BRENT.

The PRESIDENT of the UNITED STATES attended, and communicated the following

## ADDRESS:

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is, indeed, without a parallel, and that of our own country full of difficulties. The pressure of these, too, is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast, resulting from the change, has been rendered the more striking. Under the benign influence of our Republican institutions, and the maintenance of peace with all

nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments every where multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country, to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice; and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity, at least, will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, cannot be anticipated. Assuring myself, that, under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussion and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries, and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve, in their full energy, the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep

within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of Republics; that without standing armies their liberty can never be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor, in like manner, the advancement of science and the diffusion of information, as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state;—as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies, is in the well-tryed intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will, under every difficulty, be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

After which, the oath prescribed by law was administered to the PRESIDENT OF THE UNITED STATES, by the Chief Justice.

The President of the United States then retired, and the Senate repaired to their own chamber.

*Ordered*, That Messrs. ANDERSON and BARABED be a committee to wait on the President of the United States, and notify him that the Senate are ready to receive any communication that he may be pleased to make to them.

MONDAY, March 6.

FRANCIS MALBONE, appointed a Senator by the Legislature of the State of Rhode Island, for six years, commencing on the 4th instant, attended, and produced his credentials, which were read.

The credentials of RICHARD BRENT, appointed a Senator by the Legislature of the State of Virginia, for six years, commencing on the 4th instant, were read.

The oath required by law was administered to Messrs. BRENT and MALBONE, respectively.

MARCH, 1899.]

Proceedings.

[SENATE.]

On motion, by Mr. ROBINSON,  
*Resolved*, That the Secretary of the Senate be authorized to pay, out of the contingent fund of this House, to George Thomas, Walter Reynolds, and Tobias Simpson, the sum of fifty dollars each, in addition to their annual compensation.

Mr. ANDERSON reported, from the committee, that they had waited on the President of the United States, who informed them that he should this day make a communication to the Senate.

Soon after, a communication was received from the President of the United States, submitting sundry nominations to office, which were mostly confirmed.

TUESDAY, March 7.

*Adjournment.*

After the consideration of Executive business, Messrs. BAYARD and REED were appointed a committee to wait on the President of the United States, and notify him that, unless he may have any further communications to make to them, the Senate are ready to adjourn.

Mr. BAYARD reported, from the committee, that they had waited upon the President of the United States, who informed them that he had no further communications to make to them. Whereupon,

The Senate adjourned without day.

## TENTH CONGRESS.—SECOND SESSION.

## PROCEEDINGS AND DEBATES

## THE HOUSE OF REPRESENTATIVES.

MONDAY, November 7, 1808.

This being the day appointed by law for the meeting of the present session, the following members of the House of Representatives appeared, and took their seats, to wit:

*From New Hampshire*—Daniel M. Durell, Francis Gardner, Jedediah K. Smith, and Clement Storen.

*From Massachusetts*—Ezekiel Bacon, Joseph Barker, Orchard Cook, Richard Cutts, Josiah Deane, William Ely, Isaiah L. Green, Daniel Hale, Edward St. Lo, Livermore, Josiah Quincy, Ebenezer Seaver, William Stedman, Jabez Upham, and Joseph B. Varnum, (the Speaker.)

*From Rhode Island*—Isaac Willbourn.

*From Connecticut*—Epaphroditus Champion, Samuel W. Dana, John Davenport, jr., Jonathan O. Mosely, Timothy Pitkin, jr., Lewis B. Sturges, and Benjamin Tallmadge.

*From Vermont*—Martin Chittenden, James Elliot, and James Flak.

*From New York*—John Blake, jr., John Harris, Reuben Humphreys, William Kirkpatrick, Gurdon S. Mumford, Samuel Riker, John Russell, Peter Swart, John Thompson, James L. Van Allen, Killian K. Van Rensselaer, and Daniel C. Verplanck.

*From New Jersey*—Adam Boyd, William Helms, John Lambert, Thomas Newbold, James Sloan, and Henry Southard.

*From Pennsylvania*—David Bard, Robert Brown, William Findlay, John Heister, William Hoge, William Milnor, Daniel Montgomery, jr., John Porter, John Pugh, John Res, Matthias Richards, John Smilie, Samuel Smith, and Robert Whitehill.

*From Maryland*—Charles Goldsborough, William McCreery, John Montgomery, Nicholas R. Moore, and Archibald Van Horne.

*From Virginia*—Burwell Bassett, William A. Burwell, John Clopton, John Dawson, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, David Holmes, John G. Jackson, Joseph Lewis, jr., John Love, John Morrow, Thomas Newton, John Smith, Abram Trigg, and Alexander Wilson.

*From Kentucky*—Joseph Deaha, Benjamin Howard, and Richard M. Johnson.

*From North Carolina*—Willis Alston, jr., William Blackledge, Thomas Blount, John Culpeper, Nathaniel Macon, Lemuel Sawyer, and Richard Stanford.

*From Tennessee*—George W. Campbell, John Rhea, and Jesse Wharton.

*From South Carolina*—Lemuel J. Alston, William

Butler, Joseph Calhoun, John Taylor, and David R. Williams.

*From Georgia*—William W. Bibb, and George M. Troup.

*From Ohio*—Jeremiah Morrow.

*From the Mississippi Territory*—George Poindexter, Delegate.

Two new members, to wit: NATHAN WILSON, returned to serve in this House as a member for New York, in the room of David Thomas, who hath resigned his seat, and THOMAS GHOLSON, jr., returned to serve as a member from Virginia, in the room of John Claiborne, deceased, appeared, produced their credentials, and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present, a message was received from the Senate, informing the House that a quorum of the Senate is assembled, and ready to proceed to business; the Senate have appointed a committee on their part, jointly with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

The oath or affirmation to support the Constitution of the United States was then administered to Mr. NATHAN WILSON and Mr. GHOLSON, by Mr. SPEAKER, according to law.

*Ordered*, That a message be sent to the Senate to inform them that a quorum of this House is assembled, and ready to proceed to business; and that the Clerk of this House do go with the said message.

The House proceeded to consider the resolution of the Senate for the appointment of a joint committee of the two Houses to wait on the President of the United States and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them: Whereupon, the House agreed to the said resolution; and Mr. MACON, Mr. QUINCY, and Mr. MCCREERY, were appointed the committee on their part.

Mr. MACON, from the joint committee ap-



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*Miranda's Expedition.*

[H. OF R.]

pointed to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, reported that the committee had performed that service; and that the President signified to them he would make a communication, in writing, to this House, tomorrow at twelve o'clock, by way of Message.

## TUESDAY, November 8.

Several other members, to wit: from Pennsylvania, JACOB RICHARDS; from Virginia, MATTHEW CLAY, and WALTER JONES; and from South Carolina, ROBERT MARION, appeared, and took their seats in the House.

A new member, to wit, SAMUEL SHAW, returned to serve in this House as a member from the State of Vermont, in the room of James Witherell, who has resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

A message from the Senate informed the House that the Senate have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, who shall interchange weekly; to which they desire the concurrence of the House.

The House proceeded to consider the foregoing resolution of the Senate, and it was agreed to.

The SPEAKER laid before the House a letter from the Governor of the State of Pennsylvania, enclosing a letter to him from JOSEPH CLAY, the Representative for the district composed of the city and county of Philadelphia, and county of Delaware, in the said State, containing his resignation of a seat in this House; also a proclamation of the said Governor, and a certificate of the election of BENJAMIN SAY, to serve as a member for the said district and State, in the room of the said Joseph Clay; which were read, and referred to the Committee of Elections.

## WEDNESDAY, November 9.

Another member, to wit, ROBERT JENKINS, from Pennsylvania, appeared, and took his seat in the House.

The House proceeded in the reading of the documents accompanying the President's Message; which being concluded, on motion of Mr. DAWSON, they were referred, together with the Message, to a Committee of the Whole on the state of the Union, and ordered to be printed.

On the question as to the number to be printed, it was moved by Mr. FIBB, and seconded by Mr. DANA, that ten thousand copies be printed. Negatived by a considerable majority.

Five thousand copies were then ordered to be printed.

The House was then cleared and the doors closed for the purpose of reading the confidential part of the President's Message.

## THURSDAY, November 10.

Several other members, to wit: from Virginia, WILSON CARY NICHOLAS and JOHN RANDOLPH; and from North Carolina, JAMES HOLLAND, appeared and took their seats in the House.

The House then proceeded, by ballot, to the appointment of a Chaplain to Congress, for the present session, on the part of the House; and upon examining the ballots, a majority of the votes of the whole House was found in favor of the Rev. OBADIAH BROWN.

## FRIDAY, November 11.

Two other members, to wit: from Massachusetts, SAMUEL TAGGART; and from Maryland, JOHN CAMPBELL, appeared, and took their seats in the House.

A new member, to wit, RICHARD S. JACKSON, returned to serve in this House, as a member for the State of Rhode Island, in the room of Nehemiah Knight, deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

## MONDAY, November 14.

Several other members, to wit: from New York, JOSIAH MASTERS; from Maryland, PHILIP B. KEY; and from North Carolina, THOMAS KENAN, appeared, and took their seats in the House.

## TUESDAY, November 15.

Another member, to wit, JAMES KELLY, from Pennsylvania, appeared, and took his seat in the House.

## WEDNESDAY, November 16.

Another member, to wit, ROSEB NELSON, from Maryland, appeared, and took his seat in the House.

A new member, to wit, BENJAMIN SAY, returned to serve in this House as a member from the State of Pennsylvania, in the room of Joseph Clay, who has resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

*Miranda's Expedition.*

Mr. McOREEY presented the petition of thirty-six American citizens, confined at Carthage, in South America, under the sentence of slavery. The petition was read, as follows:

VAULTS OF ST. CLARA, CARTHAGENA,  
September 16, 1808.

To the honorable the Congress of the United States of America, in Congress assembled:

The petition of thirty-six American citizens confined at Carthage, South America, under sentence of slavery, humbly sheweth:

That we, your petitioners, were brought from New York in the armed ship Leander, Thomas Lewis, commander, on the 2d of February, 1806, together with a number of others, mostly inhabitants of that

State and city, under the most specious engagements of their country; to establish which, they beg leave to state that Colonel William Smith, then Surveyor of the port of New York, William Armstrong, Daniel D. Durning, and John Fink, butcher, of the city of New York, declared they were authorized to enlist a number of men to go to New Orleans, to serve as guards to the United States mails, and a number of others as mechanics. Some backwardness on the part of your petitioners to engage being discovered by William Smith, he read passages from letters to prove his authority, and several paragraphs from newspapers to convince them of the validity of their engagements. William Armstrong and Daniel D. Durning were appointed to command them, and were to accompany them to the city of Washington, where they were to receive clothing and accoutrements, and thence to New Orleans. The ship *Leander*, owned by Samuel G. Ogden, and formerly in the St. Domingo trade, was procured for the conveyance of your petitioners to the city of Washington, for which purpose she was hauled down to the watering place, where your petitioners went on board her the 1st day of February, 1806, and the next day (the 2d) the ship put to sea. Shortly after, *Miranda*, under the name of *Martin*, and a number of persons hitherto unknown to your petitioners, appeared on board, in the character of his officers; which, for the first time, awakened strong suspicions in the breasts of your petitioners that they had been entrapped into the power of wicked and designing men, and that, too, when retreat was impracticable. From New York your petitioners were carried to Jacmel, in the island of St. Domingo, where they were exercised in military duty, under the most arbitrary stretch of power, by *Miranda* and his officers. At Jacmel several attempts to escape proved abortive, from the vigilance of our oppressors, they having procured guards to be stationed in all the passes leading from Jacmel to other parts of the island, where your petitioners might expect to receive aid and protection from their countrymen. At Jacmel two schooners were hired, on board of which your petitioners were sent, under the care of a number of officers, whose wariness still remained unabated; and on the 27th March, 1806, the ship, accompanied by the two schooners, proceeded towards the coast of Terra Firma, where, after touching at the island of Aruba for refreshments, she arrived on the 28th of April, when two armed vessels hove in sight, which after some manœuvring the ship engaged but soon ran away, leaving the two schooners to be captured. They were carried into Porto Cabello, where your petitioners were proceeded against as pirates, a number of warlike implements being found on board, which were placed there without the knowledge of your petitioners. And on the 12th July following, the process against us closed at Caraccas, sentencing ten, whom they considered to be criminally engaged, to be hanged and beheaded, and the remainder (your petitioners) to eight and ten years' slavery on the public works at Omca, Bocca Chica, and the island of Porto Rico. Your petitioners were all sent to this place, where those sent to Bocca Chica were put to work, chained two-and-two, and the residue, in double irons and close confinement, strongly guarded, waiting for an opportunity to be sent to their respective places. Upon several occasions your petitioners were told by William Armstrong, Thomas Lewis, and others, that they were sent out by the

Government of the United States. To prove to the satisfaction of your honorable body the truth of the above statement, your petitioners beg you will examine Robert Lavery, John Stagg, John Ritter, Matthew Morgan, Richard Platt, Adam Ten Brook, and John Miller, of New York, who were under the same engagements with your petitioners. Francis White and Thomas McAllister, butchers in the Bear market, New York; Mr. Brinkerhoff, tavern keeper, near the Bear market; David Williams, John Garret, and a Mr. Kemper, weighmaster, whose son was executed at Porto Cabello, were present when all or most of your petitioners were engaged, and can prove beyond all doubt that your petitioners could have had no other idea than that of entering into the service of the United States. Captain Bomberry, of the ship *Mary*, of Baltimore; Captain Israel, of the brig *Robert and Mary*; Captain Waldron, of the schooner *Victory*; and Captain Abbot, of the brig *Charleston Packet*, all of Philadelphia, were eye-witnesses to the tyranny and oppression under which your petitioners labored while at Jacmel. When the crew of the *Bee*, one of the schooners which was chartered by the *Leander*, refused to go in her, a number of officers from the ship, with Lewis at their head, came on board the *Bee*, and, after beating and cutting the men with sticks and sabres in the most brutal manner, dragged them on board the *Leander*, put them in irons under a strong guard, and kept them there until the moment of sailing, when they were sent on board the *Bee*, with orders to keep near and to leeward of the ship. Another man, who had effected his escape from a French privateer, and found his way to Jacmel, with the hope of getting a passage home in some of his country vessels, was seized at the instance of Thomas Lewis, commander of the *Leander*, and captain under *Miranda*, thrown into prison, and compelled to go in the expedition, or to starve in jail.

Your petitioners are confident, that, when your honorable body becomes thoroughly acquainted with the circumstances of art and deception which betrayed them into the expedition, the destination of which they had no knowledge until it was too late to retreat, you will not only punish such of their betrayers as are within reach of your power, but will adopt proper measures to restore your unfortunate petitioners to liberty and their families. We beg leave to mention that Jeremiah Powell, who was an officer of high confidence in the expedition, was pardoned without hesitation by the Spanish monarch, on the application of his father. Your petitioners have embraced many opportunities to convey to your honorable body the prayer of a petition, but, from the length of time elapsed since they sent off their last, and not hearing of any measures being adopted in their favor, they fear none ever arrived; and by the present opportunity several copies of this petition have been transmitted to gentlemen residing in different parts of the United States, with the hope that some of them may arrive safe.

Your petitioners cannot for a moment believe that the United States will suffer officers under her constitution to kidnap her citizens into expeditions and services fitted out and maintained by a foreign outlaw against powers with which she is at amity and peace, under the specious pretence of engaging them into the service of their country, without punishing the aggressors, and using every effort to regain her citizens. Such is the case of your unfortunate peti-

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Territorial Governments.

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tioners, who entreat you as children would a parent, to relieve them from total destruction, on the brink of which they have been thrown by the practise of frauds and villanies hitherto unheard of.

A short time since, a British ship of war arrived at this place, the commander of which, (Edward Kittoe, Esq.,) upon being applied to by nine of our companions, who declared themselves to be British-born subjects, and being made acquainted with the circumstances which led to our capture, immediately sent on a petition to the Viceroy of this Kingdom in behalf of us all, but particularly for such as are British subjects, whom we expect will eventually be liberated. Nothing but humanity and a strong desire to relieve distress could have induced Captain Kittoe to this step, who, we are confident, as much as ourselves, regrets its failure of success, and to whom we feel every way indebted, and shall ever recollect it with gratitude and thanks.

When your petitioners remonstrate against any harsh treatment of these people, they invariably ask, "Why don't your country liberate you?—it rests solely with them."

Your petitioners feel confident, from the justness of their claim to the interference and protection of the constituted authorities of their country, measures will be adopted to restore them to liberty; and having no doubt but your honorable body will afford them that protection which citizens have a right to claim from their country, your petitioners beg that your honorable body will convey them an answer, and your petitioners, as in duty bound, will ever pray, &c.

Robert Saunders, Benjamin Davis, Henry Sperry, Joseph Hickie, Ellery King, William Long, Daniel Newbury, Wm. Cartwright, Samuel Tozier, James Hyatt, Abram Head, Robert Stevenson, Samuel Price, Robert Reins, Hugh Smith, Benjamin Nicholson, Geo. Ferguson, Wm. Pride, Pompey Grant, David Heckle, Bennett B. Nague, John Moore, John M. Elliot, Henry Ingersoll, John Parcells, John Hayes, David Winton, Matthew Buchanan, Alexander Buchanan, Jas. W. Grant, John Edsall, Thomas Gill, Joseph Bennett, Phineas Raymond, Peter Nautly, Stephen Burtia.

CARTHAGENA, August 12, 1808.

On my arrival at this place, I was applied to in behalf of the unfortunate men captured under the orders of General Miranda, who are under sentence of transportation to the different public works at Omoa, Porto Rico, &c., among whom are several British subjects, (whose names are inserted below.) I am well aware of the enormity of their crime, as I understand they were taken without colors or papers; but, as a British officer, I consider it a duty to plead for those in distress, wherever they may be found; and I trust, from the known lenity of your Excellency's character, I shall not plead in vain. The men in question are originally of British descent, and are allied to my nation by many ties. They have no Consul—no Minister—to prefer the prayer of their petition to your Excellency, having been prevented by the war between our nations from making known their situation to the President of the United States. Suffer me, therefore to address your Excellency, and beg for their release, on a solemn promise that they will never be found again in

arms on a similar occasion. As I am the bearer of welcome tidings to the inhabitants of the province under your Excellency's command, make me also the bearer of them to the unhappy sufferers now confined in Carthagena. It is true, I am unauthorized to make this request in the name of the British Government for the men in general, but I am convinced the step will be approved; and if your Excellency will lend a favorable ear to my petition the circumstance will not pass unnoticed on their part; at all events, your Excellency will have the prayer of many individuals for your eternal happiness, and among them will be found (not the least fervent) those of your Excellency's most humble servant,

EDWARD KITTOE,

Com. H. B. M. ship *Sabina*.

P. S.—If my request for the liberation of all General Miranda's men is by your Excellency deemed unreasonable or improper, I beg to confine it particularly to such as are British subjects: that is an indispensable duty I owe to them and my country.

*Names of British subjects under sentence of transportation at Carthagena.*

John Moore, Peter Nautly, John Hayes, Thomas Gill, Joseph Bennett, James Grant, Samuel Tozier, Robert Stevenson, and Hugh Smith, (a boy.)

### Territorial Governments.

ORDINANCE OF 1787.

Mr. POINDEXTER, from the committee appointed on the subject, reported a bill concerning the power of the Territorial Governments. [The object of it is to take away from Governors of the Territories the power of proroguing or dissolving their Legislatures.]

The bill was twice read; and

Mr. POINDEXTER observed, that as the bill must stand or fall on its principle, and could not want amendment, he should wish to dispense with the usual course of reference to a Committee of the Whole, and that it should be engrossed for a third reading.

Mr. TROUP hoped the House would not be precipitated unadvisedly into a decision of a question of this kind; that they would not break in upon a system which had served them so well without maturely deliberating upon it. The ordinance for the government of the Territories he considered as constitutional law, and it should be viewed and treated with as much delicacy as the constitution of the General Government itself. It had served them well, it had nurtured the Territories from infancy to maturity, and he hoped the house would not innovate on the system, but for the most substantial reasons. He therefore wished this bill to take the course of all other business, and go to a Committee of the Whole.

Mr. POINDEXTER said it was not his object to exclude deliberation by his motion; as the day for its third reading might be fixed a fortnight hence, if the gentleman from Georgia wished it. He knew the difficulty of getting up such bills when committed to a Committee of the Whole; he also knew that in a few days the House would be engaged in great national con-

cerns, which would occupy their entire attention to the exclusion of other business of minor importance. The gentlemen seem to think (said Mr. P.) that to leave to the Governors of Territories of the United States powers which are fitted but for the Sovereigns of Europe, is highly decorous; whilst I think they should be spurned from the statute book. The gentleman is mistaken when he says that we should view the ordinances in the same light as the constitution; they are mere statutes. Placed by the constitution under the particular care of Congress as the Territories are, the ordinances enacted for their government are mere statutes, subject to the revision of Congress, as other laws are.

Mr. PITKIN said the ordinances for the government of the Territories had been framed with great deliberation, and should always be considered as a compact between the General Government and its Territories. Whether an alteration could or could not be made without their consent, he would not undertake to say. He thought therefore in this case the usual rule should not be violated, for it was well known that no amendment could be received on the third reading of a bill.

Mr. TROUP said the gentleman from the Mississippi Territory had totally mistaken his object. It was not procrastination that he wanted, but a mature consideration of the question, whether on this day or on this day fortnight. When he had considered the ordinance as a compact equally sacred with the constitution of the United States, and as unalterable without the consent of the parties to it, it was then that he considered this a question of such great and signal importance that he wished time for deliberation. And when he said this, he expressed the opinion of a man than whom no man in the country was more deeply read in its constitution—St. George Tucker—who had described it as a compact unalterable, but with the consent of both parties. The gentleman would take away from the Territorial Governors the power to prorogue and dissolve the Assemblies. What would then be the state of the Territorial Legislatures? They would (said Mr. T.) be as completely independent of the General Government as the General Government is, I hope, of Great Britain at this moment. Retain the qualified veto, and take away the power to prorogue and dissolve, and what will be the consequence? The moment a misunderstanding takes place between the Legislature and Executive, legislation is at an end; and where legislation ends, revolution begins, and there is an end of government.

Mr. POINDEXTER said, at the suggestion of several gentlemen, he should consent to a reference of the bill to a committee, as he did not wish now to hasten the discussion. But the gentleman was mistaken if he supposed that taking away the power to prorogue, would deprive the Governors of their veto on laws. The Governors had an unqualified veto on the acts of the

Legislature. The gentleman said, (observed Mr. P.) that take away the power of prorogation, and if a misunderstanding arise between the Governor and the Legislature, there is an end of legislation. That is now the fact. If there be any misunderstanding between them, the Governor sends the Legislature home; and I agree with the gentleman from Georgia, "where legislation ends, revolution begins." In this situation, I wish to take some power from the Governor and place it in the people, which would render the Government more congenial to the spirit of the constitution and of the people of the United States. But I waive discussion and consent to reference.

The bill was made the order of the day for to-morrow.

THURSDAY, November 17.

Another member, to wit, DENNIS SMELT, from Georgia, appeared, and took his seat in the House.

#### *Foreign Relations.*

Mr. MACON said, already had many resolutions been submitted to the consideration of the House on the subject of our foreign relations, and the embargo; some for a total and some for a partial repeal of it. As none of the motions had met his entire approbation, and as he considered this as one of the most important questions that could come before the House, he wished to submit to the House two or three propositions; which he wished to take a course different from that which had been given to the others on the same subject.

I have been astonished (said Mr. M.) to see so many resolutions on the subject of the embargo, and none contemplating its entire continuance. Is the American nation ready to bow the neck? Are we ready to submit to be taxed by Great Britain and France, as if we were their colonies? Where is that spirit which for this reason separated us from the nations of Europe? Where is that spirit which enforced a simple resolution of the old Congress, not then binding upon the people, as a law from Heaven? Is it extinct? Is it lost to this nation? Has the love of gain superseded every other motive in the breasts of Americans? Shall the majority govern, or shall a few wicked and abandoned men drive this nation from the ground it has taken? Is it come to this, that a law constitutionally enacted, even after a formal decision in favor of its constitutionality, cannot be enforced? Shall the nation give way to an opposition of a few, and those the most profligate part of the community? I think the stand we took last year was a proper one; and I am for taking every measure for enabling the nation to maintain it. Just as our measure is beginning to operate, just as provisions are becoming scarce in the West Indies and elsewhere, notwithstanding the evasions of our law, we are called upon to repeal it. I should not have made this motion at this time, had it not been for the petition just

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presented. When I stand here, sir, charged by a part of the community with being one of "the enemies of the people," notwithstanding I am willing to commit the petition, treating it with that respect which I conceive to be due from us to the prayer of any portion of the people, I wish my sentiments on this subject to be seen.

A proclamation has been issued by one of the belligerents since the passage of our embargo law, sir. Look at it. What says it? Clearance or no clearance, we will receive any neutral vessel into our ports; and, in speaking of neutrals, recollect that there is no nation in the civilized world that has a claim to the title, except ourselves. This proclamation then tells our citizens, "Evade the laws of your country, and we will receive and protect you." This is the plain English of it.

If the mad powers of Europe had entered into compact to injure us as much as they could, they could not have taken a more direct course to it. I consider them both alike, and the measures I would take would place them both on the same footing. I have made my resolutions as general as possible, to give all latitude to the committee.

Mr. M. then read his resolutions as follows :

"Resolved, That the committee appointed on that part of the President's Message which relates to our foreign relations, be instructed to inquire into the expediency of excluding by law from the ports, harbors, and waters of the United States, all armed ships and vessels belonging to any of the belligerent powers having in force orders or decrees violating the lawful commerce of the United States as a nation.

"Resolved, That the same committee be instructed to inquire into the expediency of prohibiting by law the admission into the ports, harbors, and waters of the United States, any ship or vessel belonging to or coming from any place in the possession of any of the above-mentioned powers, and also the importation of any goods, wares, and merchandise, the growth, produce and manufacture of the dominions of any of the said powers.

"Resolved, That the same committee be instructed to inquire into the expediency of amending the act laying an embargo, and the several acts supplementary and additional thereto."

On the subject of the first of these resolutions (said Mr. M.) it might be proper to interdict the entrance of all armed vessels, although I have confined the interdiction to the belligerents. A certain time might be fixed on which the second should go into operation.

I have thought proper, sir, to bring forward all these resolutions together to show my own opinion on what ought to be done. It is time for those who think the embargo a lawful and proper measure, to come forward and declare it. No other person having as yet thought proper to do it, I have now done it. I believe the embargo was right; that it was right to pass laws to enforce it; and believing this, I feel no hesitation in avowing it. Time has been when the impressment of our seamen was cried out against by a large majority of Congress. Now the cry is, that we will not let them go out and be

taken. For if they go out they must be taken. Neither of the two great powers of Europe have shown the least disposition to relax their measures; neither I hope shall we. I believe we have but three alternatives—*war, embargo, or submission*. The last I discard; this nation never would submit; nor are there many people in it that would. That is out of the question; then, the only question is, whether in the present state of the world, the embargo or war is the best for us? Arm your merchantmen, as has been proposed, send them out, and you have war directly? If we are to have war, I should rather have it openly, and let the nation know that we mean it. I am for the embargo yet. I am told flour is from thirty to fifty dollars a barrel in the West Indies; I am also told that wheat is fourteen shillings sterling a bushel in England. This must have an effect, if adhered to, through Spain and Portugal. France, if she carries her armies into that country, cannot support them. Nor can Spain support her own armies, and at the same time those Great Britain sends there; for where war is waged, almost all agriculture is destroyed; and it only requires firmness in us to force them both by this measure to acknowledge our rights. If I am mistaken in my opinion, I wish that measure to be adopted which may best maintain our rights and independence.

It is not the embargo which causes the pressure on the people. No, sir, it is the orders and decrees of England and France. Take a license from England, and you may trade, but on no other terms. Let an officer of the British fleet visit your vessel, and France will condemn it. These are the things which destroy commerce. The country in which I live feels the measure as much as any; there are agriculturists, and their crops remain unsold; and if they will do without the principal, and resist imposition by withholding their produce, those who make a profit by the freight of our produce, may afford to lose that profit. Can any man tell what would be the consequence of war, in these times? In common war some regard is had to the laws of nations by belligerents, and they fight each other. In the present war the belligerents disregard the laws of nations, and fight every one but one another.

Mr. QUINCY said he wished the last resolution to be separated from the first, as the House would be committed by its adoption. Not that he wished to avoid a discussion of that subject, for he wished for nothing so much as that the House would permit them to go into a discussion of the subject in Committee of the Whole. [Mr. MACON consented that the last resolution should lie on the table.] Mr. Q. said he wished to press a discussion on the subject of the embargo; for such was the state of public opinion in the Northern part of the Union, that but one general sentiment prevailed, that the embargo would be immediately raised. Instead of postponing the subject from day to day, he only wished it to come before the House that gentle-

men might understand one other, and put an end to the doubts that now existed.

The first and second resolutions offered by Mr. MAÇON were agreed to without a division. The third was ordered to lie on the table—yeas 78.

FRIDAY, November 18.

*Territorial Governments.—Ordinance of 1787.*

On motion of Mr. POINDEXTER, the House resolved itself into a Committee of the Whole, on the bill concerning Territorial Governments. The bill having been read—

Mr. BRIS said, that if the House were now called upon for the first time to pass an ordinance for the government of the Territories of the United States, he should attach very little importance to the decision of the present question. But he considered it not now an abstract question of expediency, but as one of great moment, from the circumstances with which it was connected. He denied the right of the House to pass the bill; and if they had not the right, it was surely unnecessary to argue the question on the ground of policy. It would be recollected that the Mississippi Territory was formerly the property of the State of Georgia, and ceded by that State to the United States on certain conditions, *one of which was that the ordinance for the government of the Territory Northwest of the Ohio should be the basis of the government of the Mississippi Territory.*\* If this, said he, be one of the conditions of a compact between the United States

and Georgia, surely the United States have no right to infringe it without the consent of Georgia; and I, as one of her Representatives, formally protest against the passage of this bill. It may be said that Georgia is very little interested in the abstract question, whether the Governor should or should not have the power of prorogation; but, if a right exists to alter one part of the ordinance without the consent of Georgia, it certainly implies a power to alter it in every part.

Mr. POINDEXTER said he would state the reasons for which he had introduced the bill, and which would, he hoped, insure it the sanction of the committee. I will, in the first place, said Mr. P., advert to that part of the ordinance which is proposed to be amended by the bill under consideration. In the ordinance for the government of the Northwestern Territory will be found this article: "The Governor shall have power to prorogue and dissolve the General Assembly, when, in his opinion, it shall be expedient." The bill proposes to take away this power, as being arbitrary and oppressive in the extreme, and incompatible with the Constitution of the United States. This ordinance was passed previous to the adoption of the Federal Constitution, and if it had been the subject of consideration subsequent to its adoption, this provision had never been inserted, giving to Governors of Territories a power paramount to any power possessed by the President of the United States. Take away this power and a

\* This ordinance of the Congress of the confederation, which became the basis of all the Territorial governments, was sanctioned by the Congress of the Union at its first session, with certain provisions added to it in order to give it full effect under the constitution. The following are the terms of this enactment:—

"WHEREAS that the ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States. THEREFORE, *Be it enacted, &c.*, That in all cases in which, by the said ordinance, any information is to be given, or communication made by the Governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication to the President of the United States; and the President shall nominate, and by and with the consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same power of revocation and removal. *Sec. 2.—And be it further enacted,* That in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers, and perform all the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of said Governor."

This act of Congress, passed to give full effect to this ordinance by adapting its working to the new Federal Constitution, was among the earliest acts of the Federal Congress, being number eight in the list of acts passed at the first session of the first Congress; and classes with the acts necessary to the working of the new government. As such it was modified; and as such preserved and applied to suc-

cessive Territories, as governments for them were given. That ordinance is, in fact, the basis of all the Territorial governments, and is extended to each of them by name, with such modifications as each one required; and its benefits secured in their deeds of territorial cession by Georgia and North Carolina. Thus, the fifth clause in the first article of the Georgia deed of cession, dated April 24th, 1802, stipulates: "That the Territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain 60,000 free inhabitants, or at an earlier period, if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the 18th day of July, 1787, for the government of the Western Territory of the United States; which ordinance shall, in all its parts, extend to the Mississippi Territory contained in the present act of cession, that article only excepted which forbids slavery." The deed of cession from North Carolina, for the Territory since forming the State of Tennessee, and dated December —, 1789, is equally express in claiming the benefits of this ordinance; so that, made before the constitution, it has been equally sanctioned by Congress and by States since. Virginia sanctioned it immediately after its enactment, and before the commencement of the present Federal Government, to wit, on the 30th day of December, 1788. The ordinance being thus anterior to the constitution, was not formed under it, but under the authority of owners—sovereign owners—exercising the right of taking care of their own property, subject only to the conditions and limitations which accompanied its acquisition. And thus the Territories have been constantly governed independently of the constitution, and incompatibly with it, and by a statute made before it, and merely extended as a pre-existing law to each Territory as it came into existence.

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Governor will still have left the power of negating all acts, so that none can pass without his assent; and, being the agent of the General Government, he would give consent to no law incompatible with the interests of the United States.

It has been said that the ordinance cannot be altered without the common consent of the parties to it, and that the State of Georgia must be called upon to give its assent before the Congress can alter it. There are two parts of this ordinance; the first contains the form of government, and the second several articles of compact which are declared unalterable but with common consent. After reciting the form of government, the ordinance says:

"The following articles shall be considered as articles of compact between the original States and the people of the States in the said Territory, and forever remain unalterable, unless by common consent, to wit."

[Here follow six articles.] The ordinance declares that which follows the declaration to be unalterable, but by common consent; it follows of consequence that that which precedes the declaration is alterable. Independent of this reasoning, which cannot be refuted, at every session since we have been a Territory, there have been laws passed altering the ordinance in some shape or other. For example, the ordinance requires two judges to hold a court; and, in a variety of instances, Congress has legislated with respect to the form of government of the Territory. I had supposed that the articles of agreement between the United States and Georgia had become obsolete, with respect to the imagined necessity of the consent of Georgia to legislation on the subject of the Territory. It was urged at the last session with all the eloquence which the gentlemen from Georgia are in so great a degree possessed, and disregarded; for it was decided by both Houses that the United States had a right to rule the Territory without the consent of Georgia.

The Constitution of the United States says that Congress shall "have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Can an agreement arising from the exercise of this power, supersede the right of exercising the power expressly delegated by the constitution itself? Certainly not.

On the ground of policy I presume that there is no gentleman who will contend that the power of which I wish to deprive the Governors, ought to be retained. The gentleman from Georgia himself says, that if he were about to frame an original ordinance, he would not think of such a power. As the opinion of Judge Tucker has been referred to on one subject, I will refer to it on the subject of prerogative. Let it be recollected, that the power to prorogue and dissolve is one of the highest prerogatives of the King of England: that it crept

into the governments of his colonies, and thence into this ordinance, previous to the adoption of the constitution. It now remains for the United States to say, whether they will copy after Great Britain, and because it is a high prerogative, give the Governors of the Territories of the United States the same powers as she gives to her Territorial Governors. I trust it will be expunged.

"The title 'prerogative,' it is presumed, was annihilated in America with the Kingly Government." "This definition (of prerogative) is enough to make a citizen of the United States shudder at the recollection that he was born under a government in which such doctrines were received as catholic," &c.

This is the opinion of Judge Tucker. Is not this sufficient to induce us to take away from Governors this prerogative? Is not this feature modelled after the feature in the Government of England? Certainly; and that it is transferred from her Colonial Government, I can show by the present ordinance for the government of Canada, [to which Mr. P. referred.] It is the same principle, and we have copied it.

I will not object to retain this power, if any gentleman can show any advantage to be gained by it. I will suppose an extreme case; that any of the Territories designed to commit treason, and the Legislature were to pass an act giving it their sanction; (and they have shown less treasonable disposition than some of the elder States, if we may judge from occurrences of a few years past)—could not the Governor put his negative on this law? There could be no such law without his consent. It is therefore entirely unnecessary, in any possible case, to give the Governor the arbitrary power of dissolving the Legislature.

There is a special reason which has operated upon my mind as forcibly as the general reason in favor of the bill on the table. In the Territory which I have the honor to represent, we have been nearly twelve months without any Legislature. The Governor thought proper to dissolve the Assembly without any reason given, for the ordinance does not bind him to assign reasons for his acts. Within a few days, a new Council has been chosen, which may again be dissolved as soon as it meets, and the Territory again left without a Legislature, and no reason assigned for the procedure. Is it possible that this Government will sanction such arbitrary practices? If it does, it will be the first case since the Revolution in which such a procedure has been sanctioned. I beg leave to refer gentlemen to the glorious year 1776. I beg them to revert to that instrument, in which all the sins of our political father, George III., were delineated, and they will find that one of the charges against him was that he permitted his Governors to dissolve the Legislatures from time to time. Are we prepared to ingraft these arbitrary principles into our constitution, and cherish them when practised in so arbitrary a manner? Instead of this ordinance being

passed with deliberation, it must have passed originally *sub silentio*, and been adopted for all the new Territories without any discussion at all; for, if the principle had been investigated, it would never have been enacted into a law. In the Declaration of Independence it is stated that "he (George III.) has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people." Here we see that, at that day, we complained of the arbitrary exercise of power, and I hope that, at this day, we shall give it a death-blow. If any gentleman wishes to retain it, let him show a single possible case in which it can properly be exercised—never, but to gratify the ambition or caprice of an individual. The people elect Representatives and send them to legislate; if they do not please the Governor, he can say, "gentlemen, go to your homes—I dissolve you." Can there be any necessity for this? But I will not detain the House longer, except to express a hope that the committee will not rise, unless it be to report the bill.

Mr. TROUP said he would state, in as few words as he could, his objections to the passage of the bill. It was only the day before yesterday that this bill had been introduced into the House, proposing to alter one part of the ordinance. To-day, a petition came from another territory to alter another part of it. Before they adjourned, it was ten thousand to one that not a remnant of the ordinance would be left, with their good will.

I have before stated it as my opinion, said he, that the articles of the ordinance are a compact between the people of the States and of the territories, unalterable but with the consent of both parties. With the permission of the House, I will read the opinion of Judge Tucker on this subject:

"Congress, under the former confederation, passed an ordinance July 13, 1787, for the government of the territory of the United States northwest of the Ohio, which contained, among other things, six articles, which were to be considered as articles of compact between the original States and the people and States of said territory, and to remain unalterable, except by common consent. These articles appear to have been confirmed by the sixth article of the constitution, which declares, that all debts contracted and engagements entered into, before the adoption of the constitution, shall be as valid against the United States under the constitution as under the Confederation."

In this case there are not only two but three parties to the articles—the United States, the State of Georgia, and the people of the Territories. You will recollect, as my colleague properly stated to you, that the right of soil and jurisdiction of this territory was originally in the people of Georgia. Of course Georgia had power to prescribe for the territory what form of government she pleased, provided it was republican. By the articles of cession, the right of soil and jurisdiction was ceded to the people of the

United States, *on the express condition that the articles of the ordinance should form the government of the Mississippi Territory, and that they should not be governed otherwise.* The inference inevitably is, that the State of Georgia would not have ceded but upon the express condition; and this inference is the more inevitable, inasmuch as, in this clause, Georgia has made an express exception to a particular article in the ordinance;\* from which, I say that Georgia intended that no other alteration should be made.

What was the policy of the ordinance, and what the object of its framers? Why, assuredly, to render the governments of the Territories dependent on the Government of the United States. And how was it to be effected? By making the Territorial Legislature in a great degree dependent on the Governor, and him absolutely dependent on the Federal Executive. The moment we make the Legislature of a Territory independent of its Executive, we make it independent of the Federal Government.

And again, as my colleague has correctly told you, if you have a right to repeal one part of the ordinance, you have a right to repeal another part, and so overturn the whole system at a blow. If so, what will be the effect on the articles of cession and agreement between you and Georgia? I will tell you. By the articles of cession you reserve to yourself the right of disposing of the territory; you also agree to pay Georgia one million two hundred and fifty thousand dollars out of the product of the first sales of the land. Suppose you transferred to the independent Legislature of the Mississippi Territory the right to dispose of this Territory, what security has Georgia for the payment of her one million two hundred and fifty thousand dollars? Moreover, I feel every disposition to treat with respect the people of the Mississippi Territory, and particularly as I perceive that they approve of that course of our Government, in which I most heartily concur; yet I must say that a large majority of the people have a landed interest distinct from that of the Government of the United States. Take away from the Governor his power to prorogue and dissolve, leave him the veto, and there will soon be collision. The Legislature passes an act; the Governor puts his veto on it. The Legislature stands out, and the Governor will not yield, and eventually you may, perhaps, have to decide the question of territorial property by the sword. Recollect, that upward of six thousand people have gone over in the present year, with every apparent intention to force a settlement against your interest and that of Georgia. I am very glad that the military have received orders to disperse them. I trust that they will be dispersed, and that every man who stands forth in resistance will be put to the sword.

But the gentleman from Mississippi Territory

\* The 6th, being the Anti-slavery article.



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is certainly mistaken as to one point. He seems to consider the Constitution of the United States as giving to the people of the Territories the same rights as the people of the States. *It is a mistaken idea, neither warranted by the letter or spirit of the constitution.* For although the constitution has declared that the people of one State are entitled to all the rights and privileges of another, yet it has not declared that the people of the Territories have the same rights as the people of the States. In another part of the constitution it is, indeed, expressly declared that Congress shall make all laws for the disposal of the Territories; but there is a salvo, that all acts done and contracts made previous to the adoption of the constitution, shall be as binding as if done afterward. The articles of the ordinance were enacted previously, and are consequently binding under the constitution. It cannot be controverted, that they were wisely adopted, and have been salutary in their operation. They were framed by the Congress of '87, composed of men whose integrity was incorruptible, and judgment almost infallible. These articles, from that time to this, have remained unaltered, and carried the Territories through difficulties, almost insuperable, to prosperity. And now, for the first or second time, an alteration is proposed, the consequence of which cannot be foreseen, without any evidence that it is either necessary or expedient.

The population of every new country must necessarily be composed of a heterogeneous mixture of various tempers, characters, and interests. In a population thus composed, it would be highly ridiculous to expect that love of order and obedience to law would always predominate. Therefore the old Congress wisely reserved to itself the right to control them; to give the Governor power, when a Legislature became disorderly, to dissolve them; and for the exercise of this power he is accountable to the General Government.

The gentleman from Mississippi wishes us not to treat the Territories as children, whose wild extravagances may require correcting by the indulgent hand of their parents, but as the equals of the States, without any other reason than that which he states to be the situation of the people of his Territory. They will next wish us to admit them into the Union before their population will authorize it; tell us that that Territory does not grow fast enough, and we must demolish the system for their convenience.

Mr. T. adverted to the representation made by Mr. POINDEXTER, of the state of things now existing in the Mississippi Territory. If such were the situation of the Territory, and Mr. T. said he sincerely regretted it, he could put the gentleman in a way of settling the dispute in a regular and constitutional way, and which would be the most prudent and advisable. Certainly, in this dispute, one of the parties must be right and the other wrong. They had nothing to do but prefer their complaints before the proper authority, and, if they were there substantiated,

they would obtain redress of their wrongs. If, on the contrary, the people were wrong and the Governor right, the wisdom of this part of the ordinance would be proved beyond question.

Mr. POINDEXTER observed that the gentleman from Georgia had set out with telling the House that if the Legislature were made independent of the Governor, they could pass any law they pleased respecting land titles. The gentleman could not have looked at the ordinance, for there was an express provision that the Legislature should "never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil," &c. Independent of this, it is control sufficient if the Governor have a veto on the laws. The gentleman has told you, said Mr. P., that these articles are unalterable but with common consent. When up before, I read that part which is unalterable. It is the articles of ordinance and not the form of government; and to this Judge Tucker refers when he speaks of it. The gentleman has said, that the situation of the people would not be bettered by taking away the power, if the veto were left. In my opinion it would be ameliorated. Let the Governor retain his veto, but let them remain in session, and pass laws, that the General Government may see whether such laws are worthy of rejection or of approbation. Now, if the Governor discovers them about to pass a law or do an act he does not like, he sends them home. Lop off a little of this Executive power, and let the Legislature pass laws which he may negative, and the General Government will have an opportunity of seeing that the Governor will not consent to proper laws. Trust your Executive and distrust the people, and you sap the foundation of the Government. What ever leads to the conclusion that the people are always wrong and the Executive right, strikes at the root of republican institutions.

The gentleman has spoken of the wildness and extravagance of the people of the Mississippi Territory. Does he recollect the invasion of the Spaniards two years ago? That, at a few days' notice, at the requisition of the Commander-in-chief, a detachment of two hundred and fifty militia were sixty miles on their march? When an arch traitor from the East designed to sever the Union, the people of the Territory, without call, assembled near the city of Natchez, and arrested the traitor. These proceedings cannot be exceeded even by the spirit or prudence of the State of Georgia. I hope the indignation of this House will be displayed at these insinuations against the motives of people who have manifested the greatest patriotism. In respect to the late measures of the General Government, no people feel them more severely than the people of Mississippi, and no people better support them. There may be symptoms of wildness and extravagance, but they show a submission to the laws and measures of the Union.

The gentleman talks of tender parents. If he considers the State of Georgia as one of our tender parents, I protest against it. Although she be one of our parents, there has been no proposition ever made on this floor, for the good of the Territory, which has not met the opposition of that State. But these are subjects on which I will not dwell.

The gentleman has stated that a number of people have gone over to the Mississippi Territory to settle lands, against the express provisions of the law. That, under the pretext of a purchase from an Indian, named Double Head, people have gone over to settle lands, is true; but from where? From Georgia. They are citizens of Georgia; people nurtured by this tender parent into a state of manhood, and unwilling to participate longer in the tender cares of the State of Georgia. They have been, very properly, ordered to be driven off by military force, because they have infringed a law of the United States. But these things do not touch the present question. I now propose to take away a power which has been, by mistake, incorporated into the constitution of a free people.

Mr. BIRN said that the State of Georgia had never undertaken to legislate for the Mississippi Territory; but there was a compact existing between the United States and Georgia, and he called upon the United States to adhere to it. They dared not violate it, except they could violate the most solemn compact—the constitution.

Mr. TROUP observed that it had been said this power of the Governor was a badge of slavery copied from the British Constitution. That in many things they had been copied too far, he agreed; but as to this prerogative, it was no such badge of slavery, and was found not only in the articles of the ordinance, but in the constitutions of various States, qualified in a greater or less degree. Mr. T. quoted the constitutions of New York and Massachusetts, both which States had been considered republican. Massachusetts, to be sure, was a little wavering now, but he hoped she had not quite gone over to the enemy yet. These constitutions gave a qualified prerogative to the Governor of the State.

The committee now rose—58 to 36.

Mr. TROUP moved that the further consideration of the bill be postponed indefinitely—[equivalent to rejection.]

Mr. POINDEXTER calling for the yeas and nays on the motion, it was decided—yeas 57, nays 53, as follows:

YEAS.—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, William W. Bibb, William Blackledge, John Blake, junior, Adam Boyd, Robert Brown, Joseph Calhoun, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, William Findlay, Francis Gardner, Charles Goldsborough, Edwin Gray, John Heister, William Hoge, Richard S. Jackson, Robert Jenkins, Walter Jones, James Kelly, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Robert Marion, William Mc-

Creery, William Milnor, Nicholas R. Moore, Jonathan O. Mosely, Gordon S. Mumford, Wilson C. Nicholas, Timothy Pitkin, junior, John Porter, Josiah Quincy, John Randolph, Matthias Richards, Samuel Rizer, John Russell, Dennis Smelt, Henry Southard, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, James I. Van Allen, Daniel C. Verplanck, Robert Whitehill, David R. Williams, and Nathan Wilson.

NAYS.—Joseph Barker, Burwell Bassett, William A. Burwell, William Butler, Matthew Clay, John Clopton, John Culpeper, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, John W. Eppees, James Fisk, Meachack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Harris, William Helms, James Holland, David Holmes, Benjamin Howard, Daniel Laley, Richard M. Johnson, Nathaniel Macon, Daniel Montgomery, junior, John Montgomery, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Benjamin Sey, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Richard Stanford, Clement Storer, John Thompson, Archibald Van Horne, Jesse Wharton, Isaac Willbourn, and Alexander Wilson.

So the bill was postponed indefinitely.

MONDAY, November 21.

Another member, to wit, JOHN BOYLE, from Kentucky, appeared, and took his seat in the House.

#### *Naturalized British Subjects.*

Mr. HOWARD presented a petition of sundry inhabitants of the State of Kentucky, stating that the King of Great Britain having, by his proclamation of the sixteenth of October, one thousand eight hundred and seven, claimed the allegiance of all persons who may have been born in his dominions, and were not inhabitants of the United States of America at the period of their Revolution, and disregarding the laws of naturalization in other countries, hath authorized the impressment into his service of his pretended subjects, and treated as traitors such as may have taken up arms against him in the service of their adopted country; the petitioners being, at the present time, precluded from the privilege of following commercial pursuits on the high seas in safety, therefore pray that such measures be adopted by Congress as may effectually resist the unjust assumption of power claimed and exercised by a foreign nation; and pledging themselves to support with their lives and fortunes whatever steps may be taken, or acts passed, by the General Government, for the welfare of the Union.—Referred to Mr. HOWARD, Mr. JOHN MORROW, and Mr. HARRIS, to examine the matter thereof, and report their opinion thereupon to the House.

#### *Miranda's Expedition.*

Mr. LOVE, from the committee to whom was referred, on the sixteenth instant, the petition of thirty-six citizens of the United States now con-

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fined at Carthagena, in South America, under sentence of slavery, made a report thereon; which was read, and ordered to be referred to a Committee of the whole House to-morrow.

The report is as follows:

That it appears, from the statement of the petitioners, that, in February, 1808, they sailed from New York on board the *Leander*, a ship owned by Samuel G. Ogden, the command of which was, after getting to sea, assumed by General Miranda.

That, from New York, the said ship sailed to Jacmel, where the said Miranda procured two schooners, on board which the petitioners were placed, which, together with the *Leander*, sailed, under the command of Miranda, about the last of March, in the same year, for the northern parts of South America, and arrived on the coast of Terra Firma in the latter part of April following.

That, upon their arrival on the said coast, the two schooners, on board which the petitioners were embarked, were captured by two Spanish armed vessels; the ship *Leander*, with Miranda on board, having made her escape.

That the petitioners, together with ten others, were convicted by a Spanish tribunal, at Porto Cabello, of the crime of piracy, from the circumstances of suspicion which attached to their situation, and not from any act of that kind committed on the high seas; that the ten others above mentioned were sentenced to death, and the petitioners some to eight, others to ten years' slavery, which they now are suffering; some chained together, others closely confined under heavy irons and a guard, destined to other places and to similar punishment.

The petitioners state that they were entrapped into the service of the said Miranda, on the said expedition, by assurances made at the time of their engagements, that they were to be employed in the service of the United States, and under the authority of the Government. For the truth of their statement, and a confirmation of the charges they make against certain persons of having thus deceived and betrayed them into an involuntary co-operation in the design of fitting out an armament against a nation in amity with the United States, they refer to the testimony of several persons, said to be inhabitants of the city of New York, and to have had proposals made to them similar to those by which the petitioners were induced to engage on board the *Leander*.

The petitioners also state that no opportunity was offered them of escaping from the service of the said Miranda and his associates; that they were restrained under the most rigorous discipline, and at Jacmel, the only place where an opportunity of escape might have been probable, they were strictly guarded to prevent it. For the truth of this they refer to certain captains of vessels then at Jacmel belonging to the ports of Philadelphia and Baltimore.

The committee further report that the foregoing statements of the petitioners are unaccompanied by any competent testimony in support of them, and, at the same time, are uncontradicted by any opposing circumstances; they are of opinion that a very strong probability of the petitioners not having been guilty of the crime of wilfully engaging in the unlawful expedition of Miranda attends their application: first, because the petitioners have made a detailed statement of facts relative to the deception practised on them, referring to such species of evidence as to render their contradiction easy, if not

founded in truth, and thus lessen their claim on their country, and diminish their hopes of liberation: second, because it is presumed they were proven to the Spanish tribunal before which they were convicted to have been offenders in a secondary degree, those who were proven to have been more heinously guilty having been sentenced to suffer death.

The committee, however, are of opinion that, should the petitioners have been guilty of a crime against the United States by a voluntary or otherwise culpable infraction of its laws, the dictates of humanity no less than the principles of justice, ought to influence the Legislature of the United States to adopt the proper means of restoring them to their country, in order that they may expiate the offence by a punishment suited to but not transcending the magnitude of their crime.

The committee, therefore, beg leave to submit the following resolution for the consideration of the House.

*Resolved*, That the President of the United States be requested to adopt the most immediate and efficacious means in his power to obtain from the Viceroy of Grenada, in South America, or other proper authority, the liberation of thirty-six American citizens, condemned on a charge of piracy, and now held in slavery in the vaults of St. Clara, in Carthagena, and that the sum of ——— dollars be appropriated for that purpose.

TUESDAY, November 22.

Two other members, to wit: from New York, PHILIP VAN CORTLANDT, and from South Carolina, RICHARD WYNN, appeared, and took their seats in the House.

#### *Additional Revenue Cutters.*

Mr. NEWTON called for the order of the day on the bill authorizing the President to employ twelve additional revenue cutters.

The House having resolved itself into a Committee of the Whole,

Mr. NEWTON rose to state that the Committee of Commerce and Manufactures had understood, from the proper authorities, there was a necessity for the proper execution of the revenue laws, that the force under the direction of the Treasury Department should be considerably increased.

Mr. DANA inquired whether any written information touching the necessity there might be for twelve revenue cutters had been received by the committee—any letter from the Secretary of the Treasury? He thought it was necessary, if so, that it should be submitted to the House.

Mr. NEWTON replied that there had been no written communication from the proper Department to the committee. They had not thought it essential, having also understood that the Secretary of the Treasury was particularly occupied. However, he had taken the shortest method, by waiting upon the Secretary himself, and had received the information before alluded to. He had understood that the probable expense of each cutter would be about \$10,000,

or \$120,000 for the whole, each cutter to carry about twenty men.

Mr. QUINCY thought that the correct mode of proceeding would require other than mere verbal information. Respect for themselves should induce gentlemen not to act without official communication upon the subject. They could not, upon any other conditions, agree to so great an augmentation of the force under the direction of the Treasury Department. There had, heretofore, been but ten cutters employed. There were never more than ten when commerce was at its height and the revenue flourishing. But now, the House was called upon to vote twelve additional cutters, when we are without revenue, without commerce, and there is no information of an official nature before the House upon which it might act.

Mr. NEWTON could not see that it was of any consequence to the House, whether there had been a written communication to it upon the subject, so that the information came through the proper organ, from the proper authority. It was necessary, in times of difficulty like the present, to act with spirit and promptitude. The laws should be executed with the greatest strictness; and it was always wise to take time by the forelock.

Mr. BLACKLEDGE said that the expense of building the cutters would be defrayed by the detection of goods attempted to be smuggled. There had already been many condemnations. They were taking place every day. And it was to support the laws that these cutters had been called for.

On the motion of Mr. NEWTON, that the committee rise and report the bill, it was carried—  
yeas 47, nays 46.

#### THURSDAY, November 24.

Another member, to wit, BARENT GARDENIER, from New York, appeared, and took his seat in the House.

#### MONDAY, November 28. .

Another member, to wit, MATTHEW LYON, from Kentucky, appeared, and took his seat in the House.

#### Foreign Relations.

On the motion of Mr. CAMPBELL, the House resolved itself into a Committee of the Whole, on the report of the committee on the subject of our foreign relations.

The first resolution, in the following words, having been read :

*Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France :

Mr. CAMPBELL opened the debate. He said that ill health had hitherto prevented and might hereafter prevent him from giving that attention to the subject which the all-important crisis

would seem to require; it was, however, his duty to bring the subject before the House. The committee having in their report presented to the House the view in which they had considered the subject referred to them, and the reasons generally which induced them to present these resolutions to the House, he said it was not his intention at this time to enter into a discussion of their merits. Those reasons had been deemed sufficient by the committee to justify them in presenting these resolutions to the House; and as the objections to this, if any there were, could not be foreseen, he would not attempt to anticipate them. According to the view which he himself had taken of the first resolution, it could require no discussion, it was too clear to require demonstration, and too self-evident to need proof of its propriety. It might indeed seem to require an apology from the committee for presenting a proposition which every American must long since have determined for himself. When the question had been first presented to his consideration, it had appeared to him that it was totally superfluous, and to be doing little more than announcing to the world that the United States were still independent; but on further consideration, it had been deemed by the select committee of some importance that in the present critical situation of the United States, they should fix on some point at which all would meet. After a perusal of the documents laid before the House at the opening of the session, Mr. C. said it had been supposed that no one would hesitate in declaring his indignation at the flagrant violations and encroachments on our rights by the belligerent powers, while it had been supposed that some difference of opinion might exist as to the mode of resistance. After it was once determined that they would not submit, that they would repel aggression, it had been supposed that they might, with greater probability of unanimity, discuss the course proper to be pursued. With a view to this the committee had presented this resolution to the House. It was expected that all would unite in it and prove to the world that the Representatives of every portion of the American people were determined to maintain their rights, for the belligerent powers really seemed to suppose that the American people had forgotten them, and had therefore assumed the right of prescribing the course of conduct which we should pursue. To submit to regulations of foreign powers, which limited the conduct of the American people, and prescribed the rules by which they were to be governed, which pointed out the very ports to which they should or should not go, which fixed the tribute or tax which they should pay, would be not only to abandon their dignity and honor, but to surrender, shamefully surrender our independence. Mr. C. said he would not take up the time of the committee in showing that the Orders of Council of Great Britain and the Decrees of France, were, on the part of those nations, an assumption of power

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to give laws to this country, in direct violation of our neutral rights, and an encroachment on our sovereignty. This would require no argument. The real question is, said he, shall we govern ourselves or be controlled by the will of others; shall we become tributary or not, shall we submit or be independent? And to the committee he cheerfully left the decision of this question.

Mr. MUMFORD next addressed the Committee of the Whole. He observed, that although he had the honor of being one of the Committee of Foreign Relations, who framed the report under consideration, he dissented from that report in some respects. We had now arrived at a momentous crisis in the affairs of our country, and he hoped the House would deliberate with that firmness and moderation which became the Representatives of the free and independent people they had the honor to represent on this all interesting concern. However they might differ on smaller points of minor importance, yet when the best interest of the country was at stake, he hoped they would unite in some mode to secure our rights and promote the interests of the United States. The proposition which he had the honor to move a few days ago, was consonant in some degree to the instructions offered by our Ministers to Great Britain and France, offering to remove the embargo in relation to either that should rescind their obnoxious decrees. Neither of them having receded, Mr. M. said he would continue the embargo in relation to them both. Nay, further, he would inflict the severest penalties on any one who should receive a license or voluntarily pay tribute to either of them. He considered them both alike. He wished to see the country placed in a complete posture of defence; but he could not see any good reason why we should not trade with those nations who were willing to receive us on friendly terms, and to trade with us on the principles of reciprocity and mutual interests. This would not compromise the honor of the nation. Even admitting that it might possibly lead to war, which he doubted, he was convinced that the citizens of this country would rise *en masse* in support of that commerce which neither France nor England had any right to interdict. He did presume, with all the zeal of some gentlemen for irritating measures, it was not seriously contemplated to declare war against all mankind; he was for having at least a few friends in case of need. What was our situation now? The President of the United States had told them, after speaking of France and England, that "our relations with the other powers of Europe had undergone no material change since the last session." This being the case, our commerce was open with them all except France and Great Britain and their dependencies.

Mr. QUINCY.—Mr. Chairman, I am not, in general, a friend to abstract legislation. Ostentatious declaration of general principles is

so often the resort of weakness and of ignorance, it is so frequently the subterfuge of men who are willing to amuse, or who mean to delude the people, that it is with great reluctance I yield to such a course my sanction.

If, however, a formal denunciation of a determination to perform one of the most common and undeniable of national duties, be deemed by a majority of this House essential to their character, or to the attainment of public confidence, I am willing to admit that the one now offered is as unexceptionable as any it would be likely to propose.

In this view, however, I lay wholly out of sight the report of the committee by which it is accompanied and introduced. The course advocated in that report is, in my opinion, loathsome; the spirit it breathes disgraceful; the temper it is likely to inspire neither calculated to regain the rights we have lost, nor to preserve those which remain to us. It is an established maxim, that in adopting a resolution offered by a committee in this House, no member is pledged to support the reasoning, or made sponsor for the facts which they have seen fit to insert in it. I exercise, therefore, a common right, when I subscribe to the resolution, not on the principles of the committee, but on those which obviously result from its terms, and are the plain meaning of its expressions.

I agree to this resolution, because, in my apprehension, it offers a solemn pledge to this nation—a pledge not to be mistaken, and not to be evaded—that the present system of public measures shall be totally abandoned. Adopt it, and there is an end of the policy of deserting our rights, under pretence of maintaining them. Adopt it, and we can no longer yield, at the beck of haughty belligerents, the right of navigating the ocean, that choice inheritance bequeathed to us by our fathers. Adopt it, and there is a termination of that base and abject submission, by which this country has for these eleven months been disgraced, and brought to the brink of ruin.

That the natural import and necessary implication of the terms of this resolution are such as I have suggested, will be apparent from a very transient consideration. What do its terms necessarily include? They contain an assertion and a pledge. The assertion is, that the edicts of Great Britain and France are contrary to our rights, honor, and independence. The pledge is, that we will not submit to them.

Concerning the assertion contained in this resolution I would say nothing, were it not that I fear those who have so long been in the habit of looking at the orders and decrees of foreign powers as the measure of the rights of our own citizens, and been accustomed, in direct subversion to them, of prohibiting commerce altogether, might apprehend that there was some lurking danger in such an assertion. They may be assured there can be nothing more harmless. Neither Great Britain nor France

ever pretended that those edicts were consistent with American rights; on the contrary, both these nations ground those edicts on the principle of imperious necessity, which admits the injustice done at the very instant of executing the act of oppression. No gentleman need to have any difficulty in screwing his courage up to this assertion. Neither of the belligerents will contradict it. Mr. Turreau and Mr. Erskine will both of them countersign the declaration to-morrow.

With respect to the pledge contained in this resolution, understood according to its true import, it is a glorious one. It opens new prospects. It promises a change in the disposition of this House. It is a solemn assurance to the nation that it will no longer submit to these edicts. It remains for us, therefore, to consider what submission is, and what the pledge not to submit implies.

One man submits to the order, decree, or edict of another, when he does that thing which such order, decree, or edict commands; or when he omits to do that thing which such order, decree, or edict prohibits. This, then, is submission. It is to take the will of another as the measure of our rights. It is to yield to his power—to go where he directs, or to refrain from going where he forbids us.

If this be submission, then the pledge not to submit implies the reverse of all this. It is a solemn declaration that we will not do that thing which such order, decree, or edict commands, or that we will do what it prohibits. This, then, is freedom. This is honor. This is independence. It consists in taking the nature of things, and not the will of another, as the measure of our rights. What God and Nature has offered us we will enjoy, in despite of the commands, regardless of the menaces of iniquitous power.

Let us apply these correct and undeniable principles to the edicts of Great Britain and France, and the consequent abandonment of the ocean by the American Government. The decrees of France prohibit us from trading with Great Britain. The orders of Great Britain prohibit us from trading with France. And what do we? Why, in direct subserviency to the edicts of each, we prohibit our citizens from trading with either. We do more; as if unqualified submission was not humiliating enough, we descend to an act of supererogation in servility; we abandon trade altogether; we not only refrain from that particular trade which their respective edicts prescribe, but, lest the ingenuity of our merchants should enable them to evade their operations, to make submission doubly sure, the American Government virtually re-enact the edicts of the belligerents, and abandon all the trade which, notwithstanding the practical effects of their edicts, remain to us. The same conclusion will result, if we consider our embargo in relation to the objects of this belligerent policy. France, by her edicts, would compress Great Britain by destroying her commerce and cutting off

her supplies. All the continent of Europe, in the hand of Bonaparte, is made subservient to this policy. The embargo law of the United States, in its operation, is a union with this continental coalition against British commerce, at the very moment most auspicious to its success. Can any thing be more in direct subserviency to the views of the French Emperor? If we consider the orders of Great Britain, the result will be the same. I proceed at present on the supposition of a perfect impartiality in our Administration towards both belligerents, so far as relates to the embargo law. Great Britain had two objects in issuing her orders. First, to excite discontent in the people of the continent, by depriving them of their accustomed colonial supplies. Second, to secure to herself that commerce of which she deprived neutrals. Our embargo co-operates with the British views in both respects. By our dereliction of the ocean, the continent is much more deprived of the advantages of commerce than it would be possible for the British navy to effect, and by removing our competition, all the commerce of the continent which can be forced is wholly left to be reaped by Great Britain. The language of each sovereign is in direct conformity to these ideas. Napoleon tells the American Minister, virtually, that we are very good Americans; that, although he will not allow the property he has in his hands to escape him, nor desist from burning and capturing our vessels on every occasion, yet that he is, thus far, satisfied with our co-operation. And what is the language of George the Third, when our Minister presents to his consideration the embargo laws? Is it *Le Roi s'avise*? The King will reflect upon them. No; it is the pure language of royal approbation, *Le Roi le veut*. The King wills it. Were you colonies he could expect no more. His subjects as inevitably get that commerce which you abandon as the water will certainly run into the only channel which remains after all the others are obstructed. In whatever point of view we consider these embargo laws in relation to these edicts and decrees, we shall find them co-operating with each belligerent in its policy. In this way, I grant, our conduct may be impartial; but what has become of our American rights to navigate the ocean? They are abandoned, in strict conformity to the decrees of both belligerents. This resolution declares that we shall no longer submit to such degrading humiliations. Little as I relish, I will take it, as the harbinger of a new day—the pledge of a new system of measures.

WEDNESDAY, November 30.

#### *Foreign Relations.*

MR. RICHARD M. JOHNSON.—I am more than astonished to see this House inundated by every mail with publications, from the East, declaring that we have no cause of complaint

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against Great Britain; that we should rescind the proclamation of interdict against British armed vessels; that we should repeal the non-importation law; that the embargo should be taken off as to Great Britain; that we should go to war with France; that punctilio prevents a settlement of our differences with Great Britain; inviting the people to violate and disregard the embargo, to put the laws and the constitution at defiance, and rise in rebellion.

These considerations induced me to examine this matter, and to prove to every honest American, what we all believe in this place, that the object of one power, is to destroy our neutrality and involve us in the convulsing wars of Europe; and the object of the other, a monopoly of our commerce, and the destruction of our freedom and independence. Let evidence as conclusive as holy writ put the enemies of this insulted country to shame. We are informed by our Minister in London, (Mr. Monroe,) in a communication dated August, 1807, that a war party of powerful combination and influence existed in Great Britain, who wanted to extend their ravages to this country; that we could not make calculations upon the justice of Great Britain; that in her many assumptions of power and principle she would yield but from the absolute necessity. Who is this war party? The British navy, to whom we have opened our ports, and extended all the hospitalities of a generous nation; while in the enjoyment of which that very navy waged war against our unoffending citizens. The ship owners, the East and West India merchants, and what cause have they for war? The enterprising citizens of the United States have been their rivals and superiors in a lawful and profitable commerce; and, lastly, political characters of high consideration. These compose this war party. In January, 1804, in an official communication of Mr. Madison, Mr. Monroe is charged with the suppression of impressment as his primary object; 2d, the definition of blockade; 3d, the reduction of the list of contraband; 4th, the enlargement of our trade with hostile colonies. The negotiation opens, and what is done? With industry and exertion our Minister was unable to bring the British Cabinet to any amicable arrangement. Lords Hawkesbury, Harrowby, Mulgrave, and Mr. Fox, succeeded each other, and every attempt to negotiate was in vain. Each of them brings expressions of good will and good disposition towards the United States, and a wish for amicable arrangement. But these professions and dispositions evaporate in invitations to the country and the city—in promises and procrastinations. To-day we are amused with a conversation at the foreign office, which animates with a lively hope—to-morrow hope is swallowed up in despair—and the third day announces some new injury. Affairs on the continent now call the attention of the British Ministry, and with every disposition of good will there must be a pause. In this amicable pause business required that our Minister

should go to Old Spain; but upon his return to England, what astonishment seized his mind at the sad spectacle the changing scenes presented. Under the old rule of '56, and other interpolations upon public law, our merchant vessels are swept from the bosom of the ocean without notice, by British cruisers, and carried into British ports for condemnation. But why this change? A coalition had been formed in the North against France. British gold effected it. Russia and Austria had combined against France, and here the hopes of England rested.

But we all know her hopes were blasted. This is the reason why the blow was aimed, and your commerce sacrificed. The remonstrances of our Minister could not keep pace with new aggressions. This temporizing policy of England, and the destruction of our commerce, buried party spirit in America for the moment, and produced an indignant protest against her conduct from the great commercial cities in the Union, in which their lives and their property were pledged to support the Government in measures of just retaliation. And on this occasion the merchants of Boston requested the President to send a special Envoy to England, to give a greater solemnity to our claims of indemnity and future security. The cause of the merchants became a common cause, and the non-importation law was enacted, and Mr. Pinkney sent as a special Minister, agreeably to request. Let the commercial interest cease to complain. It is for them principally that we now suffer. These deeply-inflicted wounds upon the commerce of America, ingulfed for a moment the consideration of the primary object of Mr. Monroe's mission—the impressment of seamen—and it would seem, that when our Minister pressed one great subject of complaint, some greater outrage was committed to draw our attention from the former injury. Thus the unavailing exertions of our Minister for upwards of two years at the Court of St. James, eventuated in an extraordinary mission, and the non-importation law; a measure of retaliation, and which rendered us less dependent upon a foreign Government for such articles as can be manufactured at home. To bring further evidence of British hostility, let us attend a little to the Administration of Mr. Fox. He came into office about the 1st of February. On the 31st of May, information was received in London of the extra mission of Mr. Pinkney. Mr. Monroe, therefore, had an opportunity of about four months with Mr. Fox to settle our differences, without any interruption, not even the ideal one which has been suggested, as giving a temporary stay to the negotiation, viz: the waiting the arrival of Mr. Pinkney. The United States had a right to expect something like justice from this able Minister, because he entertained a sincere desire to conciliate the friendship of this nation by acts of justice. But in this just expectation we were disappointed. The hostility of other members of the Cabinet with whom he was associat-

ed, was the real cause of difficulty, joined perhaps with his sudden indisposition and death. Mr. Fox acknowledged our right to the colonial trade; he promised to stop the capture and condemnation of our merchant vessels; but when pressed to answer our complaints in writing, he promised, but broke that promise, and ultimately refused to give any orders with respect to the capture and condemnation of our vessels. Thus the golden apple was presented to our grasp, and then snatched forever from our sight.

Now let the committee attend to the chapter of negotiation, which produced the rejected treaty. First, the subject of blockade is proposed, and a definition demanded. We denied the doctrine of paper breastworks, spurious and illegitimate blockades, to be executed in every sea by the British Navy, of which our neutral rights were the victims. Such as the blockade of the coast of Europe from the Elbe to Brest, of the Elbe, the Weiser and Ems. The whole coast of Old Spain, of the Dardanelles, and Smyrna, and of Curaçoa. Upon this subject, Great Britain would yield nothing.

2. No duty can be laid upon American exports, but Great Britain imposes a duty of four per cent. upon her exports to the United States, under the name of a convoy duty; by which duty the citizens of the United States pay to Great Britain an annual amount of \$1,800,000; but upon this unfriendly discrimination she will yield nothing.

3. Upon the search of merchant vessels she would yield nothing.

4. Upon the colonial trade she imposed new restrictions. She would yield nothing; a trade which produced the United States revenue to the amount of \$1,800,000 per annum; and furnished exports from the United States of \$50,000,000 annually.

5. Upon the West India trade she would yield nothing, and upon the East India trade she imposed new restrictions.

6. Upon the impressment of seamen, the subject was too delicate; she was fighting for her existence; she would yield nothing.

7. Upon the mutual navigation of the St. Lawrence, so important to the Northern States, they would yield nothing; but would demand a monopoly of the fur trade, and influence over the Indians within our own limits. Thus ended the chapter of negotiation.

I turn with indignation from this to a new species of injury, involving the events connected with and preceding the President's proclamation interdicting the armed vessels of Great Britain from our waters. I allude to the conduct of the officers of the British navy, and the evident connivance of the British Government. I will only mention three prominent cases:

1st. The *Cambrian*, and other British cruisers, commanded by Captain Bradley, who entered the port of New York, and in defiance of the Government arrested a merchant vessel, and impressed into the ships of war a number of

seamen and passengers, refused to surrender them upon demand, and resisted the officers, served with regular process of law for the purpose of arresting the offenders.

3d. The case of the *Leander*, Capt. Whitby, with other British armed vessels, hovering about New York, vexing the trade of that port, arresting a coasting vessel of the United States by firing a cannon, which entered the vessel and killed John Pierce. The murder of Pierce, a fact so notorious, could not be proved in a sham trial in England, though the most unexceptionable characters are sent as witnesses from the United States; and not even an explanation is made to satisfy this country for the murder of a citizen. Call upon the citizens of New York, who saw the body of their slaughtered countryman; ask the mourning relatives of the murdered Pierce, whether he was slain or not! But from this tragic scene we must turn to one of a deeper hue.

3d. The attack upon the *Chesapeake*. This vessel had just left the shores of Virginia, leaving the British ship of war, the *Leopard*, enjoying the hospitalities of our laws. The *Chesapeake* was bound to the Mediterranean in defence of our rights. One hundred and seventy American tars were on board, who had undertaken this honorable enterprise. Unsuspicious of harm, while their rough cheeks were bedewed with tears in parting from their friends and country, their powder-horns empty, rods mislaid, wads too large, guns not primed—all was confusion. In this unhappy moment the messenger of death comes. The unfortunate Barron refuses to permit his men to be mustered by any but an American officer. His Government had given the command. This is the provocation. The vessel is attacked, and, without resistance, eight are wounded, three are killed, and four taken and carried into British service, one of whom has been hung as a malefactor in Nova Scotia. It has been said that the Goddess of Liberty was born of the ocean. At this solemn crisis, when the blood of these American seamen mingled with the waves, then this sea nymph arose indignant from the angry billows, and, like a redeeming spirit, kindled in every bosom indignation and resentment. A nation of patriots have expressed their resentment, and the sound has reached the utmost bounds of the habitable world. Let a reasoning world judge whether the President's proclamation was too strong for this state of things, and whether it should be rescinded without atonement.

Do the wrongs of this nation end with this outrage? No. Clouds thicken upon us; our wrongs are still increased; during the sensibility of this nation, and without atonement for the attack upon the *Chesapeake*, on the 16th October, 1807, a proclamation issues from the British Cabinet respecting seafaring persons, enlarging the principles of former encroachments upon the practice of impressment. This proclamation makes it the indispensable duty of her naval officers to enter the unarmed mer-



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chant vessels of the United States, and impress as many of the crew as a petty and interested naval officer may without trial point out as British subjects. The pretension is not confined to the search after deserters, but extended to masters, carpenters, and naturalized citizens of the United States—thus extending their municipal laws to our merchant vessels and this country, and denying us the right of making laws upon the subject of naturalization. The partners of British and Scotch merchants can cover their property and their merchandise from other nations under the neutral flag of the United States to Leghorn, Amsterdam, Hamburg, &c. But the patriotic Irishman or Englishman who has sought this protecting asylum of liberty, are not secured by our flag from the ruthless fangs of a British press-gang. And at this very moment our native citizens and adopted brethren, to a considerable number, are doomed to the most intolerable thralldom in the British navy by this degrading practice. There the freedom of our citizens depends upon the mercy of naval officers of Great Britain; and, upon this subject, every proposition for arrangement is trampled down by these unjust pretensions. Information was just received of the execution of the Berlin Decree, when the papers from every quarter announced the existence of the British Orders in Council, making a sweeping dash at our rightful commerce. Something must be done. The events which have been retraced, all pressed upon us. The treatment of our Minister, and his unavailing exertions; the result of the negotiation which gave birth to the rejected treaty; the memorials of the merchants; the outrageous conduct of the British naval officers upon our seaboard; the connivance at their conduct by the British Government; the proclamation of October 18, 1807; the execution of the Berlin Decree, and the Orders in Council. These considerations required the arm of Government, and at this inauspicious period, when the clouds which had so long threatened and darkened our political horizon gathered to a thick and horrible tempest, which now seemed about to burst upon our devoted nation, the embargo snatched our property from the storm, and deprived the thunderbolt of its real calamities. The effects of this measure at home and abroad, notwithstanding its inconveniences, will best attest the wisdom of the measure, which will be increased in its efficacy by a total non-importation law. As a measure of coercion upon other nations, I not only have the strongest hopes, but also a rational confidence in it, founded upon the most conclusive evidence. The misrepresentations in this country, the violations of the embargo, and the hope of changing the parties in the United States, or of producing a separation of the States; these miscalculations have destroyed entirely the efficacy of this measure, and been a main cause why Great Britain has not relaxed in her injustice towards America. And if we can rigidly

enforce this system, my confidence is undiminished, my faith strong, that the United States will have reasonable terms offered to them. Yet the violators of your laws have been the great cause why the present state of things has been protracted. They are as infamous as the cowboys in the Revolution, who embodied themselves to feed our enemies with the only cow of a weeping widow, or a poor soldier who was fighting for his country. The commerce of the United States with the West Indies, the Continent of Europe, and Great Britain, will present to this committee the evidence upon which this faith is bottomed. The United States have furnished the West Indies with the essentials of existence, and also have afforded a market for the colonial produce of those islands. In fact, they cannot live without provisions from the United States in the present state of the world. These islands have been reduced to wretchedness and want already, notwithstanding the violations of the embargo, and flour, we learn, has been as high as \$20, \$30, \$40, \$50, and \$60 per barrel. The vast importance of these possessions alone, to the mother country, might have been sufficient to have produced a settlement of our differences, if other considerations had not prevented. Attend to the trade with England and the continent previous to the Orders in Council. The annual exports of British manufactures to the United States amount to twelve million pounds sterling. In exchange for these manufactured articles, Great Britain receives to the amount of four million pounds sterling in tobacco, cotton, wheat, and the substantials of life. The eight millions which remain due must be paid in money or bills. To raise this money, the American merchants carry to the Continent of Europe produce of the United States to the amount of this eight millions, which is sold, and the amount remitted to the merchants in London to pay the debts of our merchants. This trade is now destroyed by the Orders in Council, and not the embargo—for this very measure has saved our vessels from capture, our merchandise from condemnation, and our seamen from impressment.

THURSDAY, December 1.

Another member, to wit, THOMAS MOORE, from South Carolina, appeared, and took his seat in the House.

JESSE B THOMAS, the delegate from the Indiana Territory, returned to serve in the room of BENJAMIN PARKER, who hath resigned his seat, appeared, was qualified, and took his seat in the House.

TUESDAY, December 8.

*Foreign Relations.*

The report of the Committee on Foreign Relations being again before the House, and the question still on the first resolution—

Mr. GHOLSON said: Mr. Speaker, were I to

yield to my embarrassment on the present occasion, I should not trespass on your indulgence. But when I reflect upon the great national importance of the question now before the House, and upon the high responsibility which its decision must attach to me as one of the Representatives of the people; I am impelled, from considerations of duty, to assign to you the reasons by which I am influenced.

It has been said, sir, with great truth, that the present is an extraordinary crisis. It seems indeed to have been reserved for the age in which we live, to witness a combination of political events unparalleled in the annals of time. Almost the whole civilized world has been within a few years convulsed by wars, battles, and conquests. Kingdoms and empires have been revolutionized; and we behold a vast continent assuming a new aspect under a new dynasty. Those laws which from time immemorial have prescribed and limited the conduct of nations, are now contemptuously prostrated, innocent neutrality is banished from the ocean, and we hear a grim tyrant asserting himself the sovereign of the seas. Thus the most essential part of the globe is attempted to be partitioned between two domineering rival belligerents. Sir, it would have been a subject of the sincerest felicitation if our happy country could have been exempt from this universal concussion. But we are fated to share evils in the production of which we have had no participation. In inquiring, Mr. Speaker, into the causes of these evils and the policy by which we are to be extricated from them, I am conscious of two things—of my utter incompetency to the elucidation of so great a subject, and of the unavoidable necessity of touching upon ground already occupied by gentlemen who have preceded me in this debate.

When, sir, I recur to the resolutions reported by the Committee of Exterior Relations, I find one which proposes resistance to the edicts of Great Britain and France; and another which recommends a system of non-intercourse between the United States and those countries.

In hearing the first resolution treated as an abstract proposition, my astonishment has been not a little excited. I have always understood an abstract proposition to be the assertion of some general principle without any specific application. Here is a distinct position, with a direct reference to particular orders and decrees. The resolution therefore is itself specific and appropriate, to use the apt terms of the gentleman from Connecticut (Mr. DANA). But before we can determine upon the propriety or impropriety of the resolutions, to me it appears indispensable that we should examine attentively and minutely, not only the situation of this country in relation to France and Britain, but also the injuries and aggressions they have committed upon our neutral rights.

In doing this I regret extremely that I shall wound the delicate taste and exquisite sensibility of my learned colleague (Mr. RANDOLPH), who

addressed you yesterday. I shall take no pleasure in the retrospection which seems so much to disgust that gentleman; but I do not know how else to find justification for the measures we, I trust, shall pursue, and to expose the profligacy of our enemies. The regular discussion of the first resolution would seem naturally to lead us to a review of the edicts of Great Britain and France. When we say we will not submit to their edicts; it cannot be amiss, although I acknowledge, sir, the undertaking is an unpleasant one, to inquire into the nature and extent of those edicts; I therefore will endeavor, within as narrow limits as possible, to exhibit to the view of the indignant American, the various wanton aggressions which have been committed by both these powers upon his commercial rights. And, sir, whenever we look for the chief source of our difficulties, we must turn towards Great Britain. Then let us examine the principal items in her account.

On 8th June, 1793, the British Government issued an Order of Council to stop and detain for condemnation, vessels laden with corn, flour, or meal, and bound to France, whose people were then almost in the act of starving, and of course we were deprived of an excellent market for those articles.

On 8th November, 1793, an order issued to stop and detain ships laden with the produce of, or carrying provisions to, the colonies of France. On 21st March, 1799, she issued a proclamation declaring the United Provinces in a state of blockade, and thereby excluding neutral commerce without any actual investment.

On 16th May, 1806, a proclamation declaring the blockade of the coast from the Elbe to Brest, inclusive.

On 7th January, 1807, an order prohibiting neutral vessels from trading from one port to another of the enemy or his allies.

On 11th May, 1807, a proclamation declaring the blockade of the coast between the Elbe, Weser, and Ems.

On 11th May, 1807, a proclamation declaring the blockade of the Dardanelles and Smyrna.

In October, 1807, a proclamation, ordering British officers to impress from American vessels all such of their crews as might be taken or mistaken for British subjects.

On 11th November, 1807, Orders in Council were issued interdicting all neutral commerce to any port of Europe from which the British flag was excluded; directing that neutrals should trade to such ports only, under British license and with British clearances—that all ships destined before the issuing of the orders to any of the said ports, should go into a British port, and that all vessels having “certificates of origin” should be lawful prize.

On 11th November, 1807, an Order in Council was issued, declaring void the legal transfer of vessels from the enemies of Britain, to neutrals or others.

In 1808, various acts of Parliament have been passed, carrying the orders of the 11th of Novem-

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ber, 1807, into execution. They impose a specific tax on a variety of articles of American merchandise allowed to be re-exported to the continent of Europe, for example, on tobacco, 12s. 6d. sterling per cwt.; on indigo, 2s. per lb.; pork, 17s. 6d. per bwt.; cotton, 9d. per lb.; and on all other articles not enumerated in the act, a duty of forty per cent. is exacted on re-exportation.

On 8th January, 1808, a proclamation issued declaring the blockade of Carthage, Cadiz, and St. Lucar, and all the ports between the first and last of these places.

In the Autumn of 1808, in order that plunder might commence from the very moment of the expected repeal of the embargo, the French West India islands were declared in a state of blockade.

I will forbear, sir, at this time from commenting on the habitual impressment of American citizens, by Great Britain; the illegal condemnation of American vessels under what they call the rule of 1756; the spurious blockades of British commanders, and the consequent spoliations on our commerce. Nor will I detain the House by relating the story of Captain Bradley, commander of the *Cambrian*, who in the face of the city of New York, and in contempt of the civil authority of the United States, dragged your citizens into slavish captivity. The case too of the British ship *Leander* may remain untold—the enormity of that transaction is written in indelible characters, with the blood of our countrymen. The invitation of the British Ministry to your merchants to violate the embargo, and the burning of a friendly ship of war (the *Impetueux*) in your own waters, are circumstances too light to be noticed. I feel no disposition, either, to portray the affair of the Chesapeake. The ghosts of the murdered are yet unavenged for that horrid and perfidious deed!

I will now advert, sir, to the principal injuries committed by France on the neutral commerce of the United States. They consist in the execution of three decrees, to wit:

The Berlin decree of the 21st November, 1806, declaring the British islands in a state of blockade, and that no vessel having been at or coming directly from England or her colonies, shall enter at a French port.

The Milan decree of the 17th December, 1807, declaring lawful prize every vessel that has suffered the visit of an English vessel, submitted to an English voyage, or paid duty to the English Government; and also, every vessel coming from the ports of England and her colonies.

The Bayonne decree of April, 1808, which subjects, as it is said, and I believe not doubted, all American vessels found upon the high seas since the embargo, to capture and confiscation.

Here, Mr. Speaker, I will end the black catalogue of iniquitous outrages and restrictions upon neutral commerce—restrictions which are acknowledged to depend for their support upon no other ground than that of retaliation. Whilst

I protest against the principle of retaliating upon an enemy through the medium of a friend, yet these orders and decrees have no claim even to that principle. Because France and Britain both agree that the right of retaliation does not accrue before the neutral has acquiesced in the aggressions of the enemy. We have never acquiesced in the aggressions of either, and therefore, upon their own reasoning, ought not to be liable to the operation of the principle for which they unjustly contend. But, sir, can we quit this subject without looking more particularly at the consequences which result from this series of injuries?

In reviewing the conduct of Great Britain towards this country, we perceive a continuation of encroachments, designed only for the utter destruction of our commerce. This disposition is manifest in every order and proclamation she has issued since the year 1793. If this were not her object, why such a continued system of illegitimate blockades? Why so many vexatious restrictions upon neutral trade, tending to destroy competition on our part in the continental markets? I might trace the scheme a little further back, and ask, whence the outrages? the orders of June and November, 1793, which produced Jay's treaty? A treaty which I am sorry to say, did not guarantee to us mutual and reciprocal rights, and which was no sooner ratified than violated by British perfidy. But, sir, I will not speak of trivial matters, like these; they are of no consequence when we reflect upon other topics. The pretended blockade of almost every port upon the Baltic; the blockade of the eastern and southern coasts of the North Sea, unaccompanied by any naval force; the nominal investment of the ports on the south of the British channel, and on the European coast of the Mediterranean sea; the occlusion of the Black Sea, by the blockade of the Dardanelles and Smyrna, and in fine the blockade of all the places from the Straits of Gibraltar to the Arctic Ocean, are acts which, notwithstanding their unexampled enormity in themselves, sink into perfect insignificance, when we consider the base attempts meditated by the orders of November, 1807, and the consequent statutes of Parliament, to reduce this country again to a state of colonial slavery! Sir, at the very thought of these infamous orders and acts of the British Government, I feel emotions of indignation and contempt, to repress which would be dishonorable. What, sir! American vessels to be arrested in a lawful commerce, upon "the highway of nations;" to be forcibly carried into British ports, and there either condemned, or else compelled before they can prosecute their voyage to take British clearances and pay a British tax! And if the owner of the cargo shall be unable to pay the amount of tax, he has the consolation left him of seeing his property burnt! Sooner would I see every vessel and every atom of our surplus produce make one general conflagration in our own country. For what purpose was

the Revolution, in which the blood and treasure of our ancestors were the price of independence, if we are now to be taxed by Britain? The highest authority in the Union cannot constitutionally tax the exports, which are in part the products of the labor of the American people; yet the British Government has presumptuously undertaken to do it. I, sir, for one must protest against any thing like submission to this conduct. But let us see what we should get by submission. So far from gaining, it will be easy to demonstrate, that if we were to submit, we should be only remunerated with disgrace and ruin.

WEDNESDAY, December 7.

Mr. SAY presented memorials from sundry late officers in the Pennsylvania line of the Revolutionary army, stating that, from the peculiar circumstances of the memorialists, they have been compelled to dispose of the certificates of pay and commutation granted them for military services rendered to the United States; and praying such relief in the premises as to the wisdom and justice of Congress shall seem meet.

Mr. WHARTON presented a petition from sundry late officers of the Massachusetts, Pennsylvania, Maryland, Virginia, and North Carolina lines of the said Revolutionary arm, to the like effect.

The said memorials and petition were read, and ordered to lie on the table.

Mr. DURELL moved that the House do come to the following resolution:

*Resolved*, That it be the duty of the Clerk of this House to furnish the Representatives in Congress from each State in the Union, for the time being, and the Delegates from each of the Territories thereof, with one copy of every public document, including the laws and journals printed by order of the House, to be by them transmitted to the principal seminary of learning in each State and Territory, respectively.

The resolution was read, and, on motion of Mr. BACON, ordered to lie on the table.

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The House then resumed the consideration of the first member of the first resolution reported on Thursday last, from the Committee of the Whole, which was depending yesterday at the time of adjournment, in the words following, to wit:

*"Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain."

Mr. G. W. CAMPBELL concluded his observations of yesterday, as given entire in preceding pages.

Mr. QUINCY.—Mr. Speaker, I offer myself to the view of this House with a very sensible embarrassment, in attempting to follow the honorable gentleman from Tennessee (Mr. CAMPBELL)—a gentleman who holds so distinguished a station on this floor, through thy blessing, Mr.

Speaker, on his talents and industry. I place myself with much reluctance in competition with this, our great political Aneas, an illustrious leader of antiquity, whom, in his present relations, and in his present objects, the gentleman from Tennessee not a little resembles; since, in order to evade the ruin impending over our cities—taking my honorable colleague (Mr. BACON) by one hand, and the honorable gentleman from Maryland (Mr. MONTGOMERY) by the other (little Iulus and wife Creusa)—he is posting away into the woods with Father Anchises and all the household gods.

When I had the honor of addressing this House a few days ago, I touched this famous report of our Committee of Foreign Relations perhaps a little too carelessly; perhaps I handled it a little too roughly, considering its tender age, and the manifest delicacy of its constitution. But, sir, I had no idea of affecting very exquisitely the sensibilities of any gentleman. I thought that this was a common report of one of our ordinary committees, which I had a right to canvass or to slight, to applaud or to censure, without raising any extraordinary concern, either here or elsewhere. But, from the general excitement which my inconsiderate treatment of this subject occasions, I fear that I have been mistaken. This can be no mortal fabric, Mr. Speaker. This must be that image which fell down from Jupiter, present or future. Surely, nothing but a being of celestial origin would raise such a tumult in minds tempered like those which lead the destinies of this House. Sir, I thought that this report had been a common piece of wood—*inutile lignum*—just such a piece of wood as any day-laborer might have hewed out in an hour, had he health and a hatchet. But it seems that our honorable chairman of the Committee of Foreign Relations, *maluit esse Deum*. Well, sir, I have no objections. If the workmen will, a god it shall be. I only wish, that when gentlemen bring their sacred things upon this floor, that they would blow a trumpet before them, as the heathens do, on such occasions, to the end that all true believers may prepare themselves to adore and tremble, and that all unbelievers may turn aside, and not disturb their devotions.

I assure gentlemen that I meant to commit no sacrilege. I had no intention, sir, of canvassing very strictly this report. I supposed, that when it had been published and circulated, it had answered all the purposes of its authors, and I felt no disposition to interfere with them. But the House is my witness that I am compelled, by the clamor raised on all sides by the friends of the Administration, to descend to particulars, and to examine it somewhat minutely.

My honorable colleague (Mr. BACON) was pleased the other day to assert:—Sir, in referring to his observations, on a former occasion, I beg the House not to imagine that I am about to follow him. No, sir; I will neither follow nor imitate him. I hang upon no man's skirts; I run barking at no man's heel. I canvass prin-

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ciples and measures solely with a view to the great interests of my country. The idea of personal victory is lost in the total absorption of sense and mind in the impending consequences. I say he was pleased to assert that I had dealt in general allegations against this report, without pointing out any particular objection. And the honorable chairman (Mr. CAMPBELL) has reiterated the charge. Both have treated this alleged omission with no little asperity. Yet, sir, it is very remarkable, that, so far from dealing in general allegations, I explicitly stated my objections. The alternatives presented by the report—war or suspension of our rights, and the recommendation of the latter, rather than take the risk of the former, I expressly censured. I went further. I compared these alternatives with an extract from an address made by the first Continental Congress to the inhabitants of Great Britain, and attempted to show, by way of contrast, what I thought the disgraceful spirit of the report. Yet, these gentlemen complain that I dealt in general allegations. Before I close, sir, they will have, I hope, no reason to repeat such objections. I trust I shall be particular, to their content.

Before entering upon an examination of this report, it may be useful to recollect how it originated. By the third section of the second article of the constitution, it is declared that the President of the United States "shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." It is, then, the duty of the President to recommend such measures as in his judgment Congress ought to adopt. A great crisis is impending over our country. It is a time of alarm, and peril, and distress. How has the President performed this constitutional duty? Why, after recapitulating, in a formal Message, our dangers and his trials, he expresses his confidence that we shall, "with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made," and that "the alternative chosen will be maintained with fortitude and patriotism." In this way our Chief Magistrate performs his duty. A storm is approaching; the captain calls his choice hands upon deck; leaves the rudder swinging, and sets the crew to scuffle about *alternatives*! This Message, pregnant with nondescript alternatives, is received by this House. And what do we? Why, constitute a great Committee of Foreign Relations, and, lest they should not have their attention completely occupied by the pressing exigencies of those with France and Great Britain, they are endowed with the whole mass—British, Spanish, and French; Barbary Powers and Indian neighbors. And what does this committee do? Why, after seven days' solemn conclave, they present to this House an illustrious report, loaded with alternatives—nothing but alternatives. The cold meat of the palace is hashed

and served up to us, piping hot, from our committee room.

In considering this report, I shall pay no attention to either its beginning or its conclusion. The former consists of shavings from old documents, and the latter of birdlime for new converts. The twelfth page is the heart of this report; that I mean to canvass. And I do assert, that there is not one of all the principal positions contained in it which is true, in the sense and to the extent assumed by the committee. Let us examine each, separately:

"Your committee can perceive no other alternative but abject and degrading submission, war with both nations, or a continuance and enforcement of the present suspension of our commerce."

Here is a tri-forked alternative. Let us consider each branch, and see if either be true, in the sense assumed by the committee. The first—"abject and degrading submission"—takes two things for granted: that trading, pending the edicts of France and Great Britain, is submission; and next that it is submission, in its nature, abject and degrading. Neither is true. It is not submission to trade, pending those edicts, because they do not command you to trade; they command you *not* to trade. When you refuse to trade, you submit; not when you carry on that trade, as far as you can, which they prohibit. Again, it is not true that such trading is abject and disgraceful, and that, too, upon the principles avowed by the advocates of this report. Trading, while these edicts are suspended over our commerce, is submission, say they, because we have not physical force to resist the power of these belligerents; of course, if we trade, we must submit to these restrictions, not having power to evade or break through them. Now, admit, for the sake of argument, (what however in fact I deny,) that the belligerents have the power to carry into effect their decrees so perfectly; that, by reason of the orders of Great Britain, we are physically disabled from going to France; and that, by the edicts of France, we are in like manner disabled from going to Great Britain. If such be our case, in relation to these powers, the question is, whether submitting to exercise all the trade which remains to us, notwithstanding these edicts, is "abject and degrading."

In the first place, I observe, that submission is not, to beings constituted as we are, always "abject and degrading." We submit to the decrees of Providence—to the laws of our nature. Absolute weakness submits to absolute power; and there is nothing in such submission shameful or degrading. It is no dishonor for finite not to contend with infinite. There is no loss of reputation if creatures, such as man, perform not impossibilities. If then it be true, in the sense asserted by some of the advocates of this report, that it is physically impossible for us to trade with France and Great Britain and their dependencies, by reason of these edicts, still there is nothing "abject or degrad-

ing" in carrying on such trade as these edicts leave open to us, let it be never so small or so trifling; which, however, it might be easily shown, as it has been, that it is neither the one nor the other. Sir, in this point of view, it is no more disgraceful for us to trade to Sweden, to China, to the Northwest coast, or to Spain and her dependencies—not one of which countries is now included in those edicts—than it is disgraceful for us to walk, because we are unable to fly; no more than it is shameful for man to use and enjoy the surface of this globe, because he has not at his command the whole circle of nature, and cannot range at will over all the glorious spheres which constitute the universe.

The gentleman from Tennessee (Mr. CAMPBELL) called upon us just now to tell him what was disgraceful submission, if carrying on commerce under these restrictions was not such submission. I will tell that gentleman. That submission is "abject and disgraceful" which yields to the decrees of frail and feeble power, as though they were irresistible; which takes counsel of fear, and weighs not our comparative force; which abandons the whole, at a summons to deliver up a part; which makes the will of others the measure of rights, which God and nature not only have constituted eternal and unalienable, but have also endued us with ample means to maintain.

My argument on this clause of the report of the committee may be presented in this form: either the United States have or they have not physical ability to carry on commerce in defiance of the edicts of both or of either of these nations. If we have not physical ability to carry on the trade which they prohibit, then it is no disgrace to exercise that commerce which these irresistible decrees permit. If we have such physical ability, then, to the degree in which we abandon that commerce which we have power to carry on, is our submission "abject and disgraceful." It is yielding without a struggle; it is sacrificing our rights, not because we have not force, but because we have not spirit to maintain them. It is in this point of view that I am disgusted with this report. It abjures what it recommends; it declaims, in heroics, against submission, and proposes, in creeping prose, a tame and servile subserviency.

It cannot be concealed, let gentlemen try as much as they will, that we can trade, not only with one, but with both these belligerents, notwithstanding these restrictive decrees. The risk to Great Britain against French capture scarcely amounts to two per cent.; that to France against Great Britain is unquestionably much greater. But, what is that to us? It is not our fault, if the power of Britain on the ocean is superior to that of Bonaparte. It is equal and exact justice between both nations for us to trade with both, as far as it is in our power. Great as the power of Britain is on the ocean, the enterprise and intrepidity of our merchants are more than a match for it. They will get your products to the Continent in spite of her

navy. But suppose they do not; suppose they fail, and are captured in the attempt; what is that to us? After we have given them full notice of all their dangers, and perfect warning, either of our inability or of our determination not to protect them, if they take the risk, it is at their peril. And, upon whom does the loss fall? As it does now, through the operation of your embargo, on the planter, on the farmer, on the mechanic, on the day-laborer? No, sir; on the insurer—on the capitalist—on those who in the full exercise of their intelligence, apprised of all the circumstances, are willing to take the hazard for the sake of the profit.

I will illustrate my general idea by a supposition. There are two avenues to the ocean from the harbor of New York—by the Narrows, and through Long Island Sound. Suppose the fleets, both of France and Great Britain, should block up the Narrows, so that to pass them would be physically impossible, in the relative state of our naval force. Will gentlemen seriously contend that there would be any thing "abject or disgraceful," if the people of New York should submit to carry on their trade through the Sound? Would the remedy for this interference with our rights be abandoning the ocean altogether? Again: suppose, that instead of both nations blockading the same point, each should station its force at a different one—France at the mouth of the Sound, Britain at the Narrows. In such case, would staying at home, and refusing any more to go upon the sea, be an exercise of independence in the citizens of New York? Great philosophers may call it "dignified retirement," if they will. I call it, and I am mistaken if the people would not call it, "base and abject submission." Sir, what in such a case would be true honor? Why, to consider well which adversary is the weakest, and cut our way to our rights through the path which he obstructs. Having removed the smaller impediment, we should return with courage, strengthened by trial and animated by success, to the relief of our rights, from the pressure of the strongest assailant. But, all this is war; and war is never to be incurred. If this be the national principle, avow it; tell your merchants you will not protect them; but, for Heaven's sake, do not deny them the power of relieving their own and the nation's burdens, by the exercise of their own ingenuity. Sir, impassable as the barriers offered by these edicts are in the estimation of members on this floor, the merchants abroad do not estimate them as insurmountable. Their anxiety to risk their property, in defiance of them, is full evidence of this. The great danger to mercantile ingenuity is internal envy—the corrosion of weakness or prejudice. Its external hazard is ever infinitely smaller. That practical intelligence which this class of men possesses, beyond any other in the community, excited by self-interest—the strongest of human passions—is too elastic to be confined by the limits of exterior human powers, however great or uncon-

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mon. Build a Chinese wall, and the wit of your merchants, if permitted freely to operate, will break through it or overleap it, or undercreep it.

— "mille adde catenas

Effugiet tamen, hæc aequalatus vincula Proteus."

The second branch of the alternatives under consideration is equally deceptive—"War with both nations." Can this ever be an alternative? Did you ever read in history, can you conceive in fancy, a war of two nations, each of whom is at war with the other, without a union with one against the other immediately resulting? It cannot exist in nature. The very idea is absurd. It never can be an alternative, whether we shall find two nations each hostile to the other. But it may be, and if we are to fight at all, it is a very serious question, which of the two we are to select as an adversary. As to the third branch of these celebrated alternatives, "a continuance and enforcement of the present system of commerce," I need not spend time to show that this does not include all the alternatives which exist under this head—since the committee immediately admit, that there does exist another alternative, "partial repeal," about which they proceed to reason.

The report proceeds. "The first" (abject and degrading submission) "cannot require any discussion." Certainly not. Submission of that quality which the committee assume, and with the epithets of which they choose to invest it, can never require discussion at any time. But, whether trading under these orders and decrees be such submission, whether we are not competent to resist them in part, if not in whole, without a total abandonment of the exercise of all our maritime rights, the comparative effects of the edicts of each upon our commerce and the means we possess to influence or control either, are all fair and proper subjects of discussion; some of which the committee have wholly neglected and none of which have they examined, as the House had a right to expect.

The committee proceed "to dissipate the illusion" that there is any "middle course," and to reassert the position before examined, that "there is no other alternative than war with both nations, or a continuance of the present system." This position they undertake to support by two assertions. First, that "war with one of the belligerents only, would be submission to the edicts and will of the other." Second, that "repeal in whole or in part of the embargo, must necessarily be war or submission."

As to the first assertion, it is a miserable fallacy, confounding coincidence of interest with subjection of will; things in their nature palpably distinct. A man may do what another wills, nay, what he commands, and not act in submission to his will, or in obedience to his command. Our interest or duty may coincide with the line of conduct another presumes to prescribe. Shall we vindicate our independence at the expense of our social or moral

obligations? I exemplify my idea in this way. Two bullies beset your door, from which there are but two avenues. One of them forbids you to go by the left, the other forbids you to go by the right avenue. Each is willing that you should pass by the way which he permits. In such case, what will you do? Will you keep house forever, rather than make choice of the path through which you will resume your external rights? You cannot go both ways at once, you must make your election. Yet, in making such election, you must necessarily coincide with the wishes and act according to the commands of one of the bullies. Yet who, before this committee, ever thought an election of one of two inevitable courses, made under such circumstances, "abject and degrading submission" to the will of either of the assailants? The second assertion, that "repeal in whole or in part of the embargo must necessarily be war or submission," the committee proceed to maintain by several subsidiary assertions. First—"a general repeal without arming would be submission to both nations." So far from this being true, the reverse is the fact; it would be submission to neither. Great Britain does not say, "you shall trade with me." France does not say, "you shall trade with me." If this was the language of their edicts, there might be some color for the assertion of the committee, that if we trade with either we submit. The edicts of each declare you shall not trade with my adversary. Our servile knee-crooking embargo says, "you shall, therefore, not trade." Can any submission be more palpable, more "abject, more disgraceful?" A general repeal without arming, would be only an exercise of our natural rights, under the protection of our mercantile ingenuity, and not under that of physical power. Whether our merchants shall arm or not, is a question of political expediency and of relative force. It may be very true that we can fight our way to neither country, and yet it may be also very true, that we may carry on a very important commerce with both. The strength of the national arm may not be equal to contend with either, and yet the wit of our merchants may be over-match for the edicts of all. The question of arming or not arming, has reference only to the mode in which we shall best enjoy our rights, and not at all to the quality of the act of trading during these edicts. To exercise commerce is our absolute right. If we arm, we may possibly extend the field beyond that which mere ingenuity would open to us. Whether the extension thus acquired be worthy of the risk and expense, is a fair question. But, decide it either way, how is trading as far as we have ability, made less abject than not trading at all?

I come to the second subsidiary assertion. "A general repeal and arming of merchant vessels, would be war with both, and war of the worst kind, suffering the enemies to plunder us, without retaliation upon them."

I have before exposed the absurdity of a

war with two belligerents, each hostile to the other. It cannot be true, therefore, that "a general repeal and arming our merchant vessels," would be such a war. Neither if war resulted, would it be "war of the worst kind." In my humble apprehension, a war, in which our enemies are permitted to plunder us, and our merchants not permitted to defend their property, is somewhat worse than a war like this; in which, with arms in their hands, our brave seamen might sometimes prove too strong for their piratical assailants. By the whole amount of property which we might be able to preserve by these means, would such a war be better than that in which we are now engaged. For the committee assure us, that the aggressions to which we are subject, "are to all intents and purposes a maritime war, waged with both nations against the United States."

The last assertion of the committee, in this most masterly page is, that "a partial repeal must from the situation of Europe, necessarily be actual submission to one of the aggressors, and war with the other." In the name of common sense, how can this be true? The trade to Sweden, to Spain, to China, is not now affected by the orders or decrees of either belligerent. How is it submission, then, to these orders for us to trade to Gottenburg, when neither France nor Britain command, nor prohibit it? Of what consequence is it to us what way the Gottenburg merchant disposes of our products, after he has paid us our price? I am not about to deny that a trade to Gottenburg would defeat the purpose of coercing Great Britain, through the want of our supplies, but I reason on the report upon its avowed principles. If gentlemen adhere to their system, as a means of coercion, let the Administration avow it as such, and support the system, by arguments, such as their friends use every day on this floor. Let them avow, as those friends do, that this is our mode of hostility against Great Britain. That it is better than "ball and gunpowder." Let them show that the means are adequate to the end; let them exhibit to us, beyond the term of all this suffering, a happy salvation, and a glorious victory, and the people may then submit to it, even without murmur. But while the Administration support their system only as a municipal regulation, as a means of safety and preservation, those who canvass their principle are not called upon to contest with them on ground, which not only they do not take, but which, officially, they disavow. As partial repeal would not be submission to either, so, also, it would not be war with either. A trade to Sweden would not be war with Great Britain; that nation is her ally, and she permits it. Nor with France, though Sweden is her enemy, she does not prohibit it. Ah! but say the committee, "a measure which would supply exclusively one of the belligerents, would be war with the other." This is the State secret; this is the master-key to the whole policy. You must not only do what the letter

of these orders prohibits, but you must not sin against the spirit of them. The great purpose is, to prevent your product from getting to our enemy, and to effect this you must not only so act as to obey the terms of the decrees, but keeping the great purpose of them always in sight, you must extend their construction to cases which they cannot, by any rule of reason, be made to include.

Sir, I have done with this report. I would not have submitted to the task of canvassing it, if gentlemen had not thrown the gauntlet with the air of sturdy defiance. I willingly leave to this House and the nation to decide whether the position I took in the commencement of my argument is not maintained; that there is not one of the principal positions contained in the 13th page, the heart of this report, which is true, in the sense and to the extent assumed by the committee.

It was under these general impressions that I used the word "loathsome," which has so often been repeated. Sir, it may not have been a well chosen word. It was that which happened to come to hand first. I meant to express my disgust at what appeared to me a mass of bold assumptions, and of illy-cemented sophisms.

I said, also, that "the spirit which it breathed was disgraceful." Sir, I meant no reflection upon the committee. Honest men and wise men may mistake the character of the spirit which they recommend, or by which they are actuated. When called upon to reason concerning that which, by adoption, is to become identified with the national character, I am bound to speak of it as it appears to my vision. I may be mistaken. Yet, I ask the question: Is not the spirit which it breathes disgraceful? Is it not disgraceful to abandon the exercise of all our commercial rights, because our rivals interfere with a part; not only to refrain from exercising that trade which they prohibit, but for fear of giving offence, to decline that which they permit? Is it not disgraceful, after inflammatory recapitulation of insults, and plunderings, and burnings, and confiscations, and murders, and actual war made upon us, to talk of nothing but alternatives, of general declarations, of still longer suspension of our rights, and retreating farther out of "harm's way?" If this course be adopted by my country, I hope I am in error concerning its real character. But to my sense, this whole report is nothing else than a recommendation to us of the abandonment of our essential rights and apologies for doing it.

Before I sit down, I feel myself compelled to notice some observations which have been made in different quarters of this House on the remarks which, at an early stage of this debate, I had the honor of submitting to its consideration. My honorable colleague (Mr. BACON) was pleased to represent me as appealing to the people over the heads of the whole Government, against the authority of a law which had not only the sanction of all the legislative branches



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of the Government, but also of the Judiciary. Sir, I made no such appeal. I did not so much as threaten it. I admitted, expressly, the binding authority of the law. But I claim a right, which I ever will claim, and ever will exercise, to urge, on this floor, my opinion of the unconstitutionality of a law, and my reasons for that opinion, as a valid ground for its repeal. Sir, I will not only do this, I will do more. If a law be, in my apprehension, dangerous in its principles, ruinous in its consequences, above all if it be unconstitutional, I will not fail in every fair and honorable way to awaken the people to a sense of their peril; and to quicken them, by the exercise of their constitutional privileges, to vindicate themselves and their posterity from ruin.

My honorable colleague (Mr. BACON) was also pleased to refer to me, "as a man of divisions and distinctions, waging war with adverbs, and dealing in figures." Sir, I am sorry that my honorable colleague should stoop "from his pride of place," at such humble game as my poor style presents to him. Certainly, Mr. Speaker, I cannot but confess that, "deeming high" of the station which I hold; standing, as it were, in the awful presence of an assembled people, I am more than ordinarily anxious, on all occasions, to select the best thoughts in my narrow storehouse, and to adapt to them the most appropriate dress in my intellectual wardrobe. I know not whether, on this account, I am justly obnoxious to the asperity of my honorable colleague. But, on the subject of figures, sir, this I know, and cannot refrain from assuring this House that, as on the one hand, I shall, to the extent of my humble talents, always be ambitious, and never cease striving to make a decent figure on this floor; so, on the other, I never can be ambitious, but, on the contrary, shall ever strive chiefly to avoid cutting a figure like my honorable colleague.

The gentleman from Georgia, (Mr. TROUP,) the other day, told this House that, if commerce were permitted, such was the state of our foreign relations, none but bankrupts would carry on trade. Sir, the honorable gentleman has not attained correct information in this particular. I do not believe that I state any thing above the real fact, when I say that, on the day this Legislature assembled, one hundred vessels, at least, were lying in the different ports and harbors of New England loaded, riding at single anchor, ready and anxious for nothing so much as for your leave to depart. Certainly, this does not look much like any doubt that a field of advantageous commerce would open, if you would unbar the door to your citizens. That this was the case in Massachusetts I know. Before I left that part of the country, I had several applications from men, who stated that they had property in such situations, and soliciting me to give them the earliest information of your probable policy. The men so applying, I can assure the House,

were no bankrupts; but intelligent merchants, shrewd to perceive their true interests; keen to pursue them. The same honorable gentleman was also pleased to speak of "a paltry trade in potash and codfish," and to refer to me as the Representative of men who raised "beef and pork, and butter and cheese, and potatoes and cabbages." Well, sir, I confess the fact. I am the Representative, in part, of men, the products of whose industry are beef and pork, and butter and cheese, and potatoes and cabbages. And let me tell that honorable gentleman, that I would not yield the honor of representing such men, to be the Representative of all the growers of cotton and rice, and tobacco and indigo, in the whole world. Sir, the men whom I represent, not only raise those humble articles, but they do it with the labor of their own hands, with the sweat of their own brows. And by this, their habitual mode of hardy industry, they acquire a vigor of nerve, a strength of muscle, and spirit of intelligence, somewhat characteristic. And let me say to that honorable gentleman, that the men of whom I speak will not, at his call, nor at the invitation of any man or set of men from his quarter of the Union, undertake to "drive one another into the ocean." But, on the contrary, whenever they once realize that their rights are invaded, they will unite, like a band of brothers, and drive their enemies there.

The honorable gentleman from Kentucky, (Mr. JOHNSON,) speaking of the embargo, said, that this was the kind of conflict which our fathers waged; and my honorable colleague (Mr. BACON) made a poor attempt to confound this policy with the non-intercourse and non-importation agreement of 1774 and 1775. Sir, nothing can be more dissimilar. The non-intercourse and non-importation agreement of that period, so far from destroying commerce, fostered and encouraged it. The trade with Great Britain was indeed voluntarily obstructed, but the enterprise of our merchants found a new incentive in the commerce with all the other nations of the globe, which succeeded immediately on our escape from the monopoly of the mother country. Our navigation was never suspended. The field of commerce at that period, so far from being blasted by pestiferous regulations, was extended by the effect of the restrictions adopted.

But let us grant all that they assert. Admit, for the sake of argument, that the embargo, which restrains us now from communication with all the world, is precisely synonymous with that non-intercourse and non-importation which restrained us then from Great Britain. Suppose the war, which we now wage with that nation, is in every respect the same as that which our fathers waged with her in 1774 and 1775. Have we from the effects of their trial any lively hope of success in our present attempt? Did our fathers either effect a change in her injurious policy or prevent a war by non-intercourse? Sir, they did neither the one

nor the other. Her policy was never changed until she had been beaten on our soil, in an eight years' war. Our fathers never relied upon non-intercourse and non-importation, as measures of hostile coercion. They placed their dependence upon them solely as means of pacific influence among the people of that nation. The relation in which this country stood at that time with regard to Great Britain, gave a weight and a potency to those measures then, which in our present relation to her, we can neither hope nor imagine possible. At that time we were her Colonies, a part of her family. Our prosperity was essentially hers. So it was avowed in this country. So it was admitted in Great Britain. Every refusal of intercourse which had a tendency to show the importance of these then colonies to the parent country, of the part to the whole, was a natural and a wise means of giving weight to our remonstrances. We pretended not to control, but to influence, by making her feel our importance. In this attempt we excited no national pride on the other side of the Atlantic. Our success was no national degradation, for the more we developed our resources and relative weight, the more we discovered the strength and resources of the British power. We were the component parts of it. All the measures of the Colonies, antecedent to the Declaration of Independence, had this principle for their basis. As such, non-importation and non-intercourse were adopted in this country. As such, they met the co-operation of the patriots of Great Britain, who deemed themselves deviating from none of their national duties, when they avowed themselves the allies of American patriots, to drive, through the influence of the loss of our trade, the ministry from their places, or their measures. Those patriots did co-operate with our fathers, and that openly, in exciting discontent, under the effect of our non-intercourse agreements. In so doing, they failed in none of their obligations to their sovereign. In no nation can it ever be a failure of duty to maintain that the safety of the whole depends on preserving its due weight to every part. Yet, notwithstanding the natural and little suspicious use of these instruments of influence, notwithstanding the zeal of the American people coincided with the views of Congress, and a mighty party existed in Great Britain openly leagued, with our fathers, to give weight and effect to their measures, they did not effect the purposes for which they were put into operation. The British policy was not abandoned. War was not prevented. How then can any encouragement be drawn from that precedent, to support us under the privations of the present system of commercial suspension? Can any nation admit that the trade of another is so important to her welfare, as that on its being withdrawn, any obnoxious policy must be abandoned, without at the same time admitting that she is no longer independent? Sir, I could indeed wish that it were in our power to regulate not only Great

Britain, but the whole world, by opening or closing our ports. It would be a glorious thing for our country to possess such a mighty weapon of defence. But, acting in a public capacity, with the high responsibilities resulting from the great interests dependant upon my decision, I cannot yield to the wishes of love-sick patriots, or the visions of teeming enthusiasts; I must see the adequacy of means to their ends. I must see, not merely that it is very desirable that Great Britain should be brought to our feet, by this embargo, but that there is some likelihood of such a consequence to the measure, before I can concur in that universal distress and ruin which, if much longer continued, will inevitably result from it. Since, then, every dictate of sense and reflection convinces me of the utter futility of this system, as a means of coercion, on Great Britain, I shall not hesitate to urge its abandonment. No, sir, not even although, like others, I should be assailed by all the terrors of the outcry of British influence.

Really, Mr. Speaker, I know not how to express the shame and disgust with which I am filled, when I hear language of this kind cast out upon this floor, and thrown in the faces of men, standing justly on no mean height in the confidence of their countrymen. Sir, I did, indeed, know that such vulgar aspersions were circulating among the lower passions of our nature. I knew that such vile substances were ever tempering between the paws of some printer's devil. I knew that foul exhalations like these daily rose in our cities, and crept along the ground, just as high as the spirits of lampblack and saline oil could elevate; falling, soon, by native baseness, into oblivion, in the jakes. I knew, too, that this species of party insinuation was a mighty engine, in this quarter of the country, on an election day, played off from the top of a stump, or the top of a hoghead, while the gin circulated, while barbecue was roasting; in those happy, fraternal associations and consociations, when those who speak, utter without responsibility, and those who listen, hear without scrutiny. But little did I think, that such odious shapes would dare to obtrude themselves, on this national floor, among honorable men;—the select representatives, the confidential agents of a wise, a thoughtful and a virtuous people. I want language to express my contempt and indignation at the sight.

So far as respects the attempt which has been made to cast such aspersions on that part of the country which I have the honor to represent, I beg this honorable House to understand, that so long as they, who circulate such insinuations, deal only in generals and touch not particulars, they may gain among the ignorant and the stupid a vacant and a staring audience. But when once these suggestions are brought to bear upon those individuals who in New England have naturally the confidence of their countrymen, there is no power in these calumnies. The men who now lead the influences

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of that country, and in whose councils the people on the day when the tempest shall come will seek refuge, are men whose stake is in the soil, whose interests are identified with those of the mass of their brethren, whose private lives and public sacrifices present a never-failing antidote to the poison of malicious invectives. On such men, sir, party spirit may indeed cast its odious filth, but there is a polish in their virtues to which no such slime can adhere. They are owners of the soil; real yeomanry; many of them men who led in the councils of our country in the dark day which preceded the national independence; many of them men who, like my honorable friend from Connecticut on my left, (Mr. TALLMADGE,) stood foremost on the perilous edge of battle; making their breasts in the day of danger a bulwark for their country. True it is, Mr. Speaker, there is another and a much more numerous class, composed of such as through defect of age can claim no share in the glories of our Revolution; such as have not yet been blest with the happy opportunity of "playing the man" for their country; generous sons of illustrious sires; men, not to be deterred from fulfilling the high obligations they owe to this people by the sight of foul and offensive weapons. Men who, with little experience of their own to boast, will fly to the tombs of their fathers, and questioning, concerning their duties, the spirit which hovers there, will no more shrink from maintaining their native rights, through fear of the sharpness of malevolent tongues, than they will, if put to the trial, shrink from defending them through fear of the sharpness of their enemies' swords.

When Mr. QUINCY had concluded, the House adjourned without taking a question.

#### THURSDAY, December 8.

On motion of Mr. NEWTON, that the unfinished business of yesterday, depending at the time of adjournment, do lie on the table; and that the House do now resolve itself into a Committee of the Whole on the amendatory bill authorizing the President to employ an additional number of revenue cutters: and the question being taken thereupon, it was resolved in the affirmative.

The House accordingly resolved itself into the said committee; and, after some time spent therein, the bill was reported without amendment, and ordered to be engrossed, and read the third time to-day.

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The House then resumed the consideration of the first member of the first resolution reported on Thursday last from the Committee of the Whole, which was depending yesterday at the time of adjournment, in the words following, to wit:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain."

Mr. KEY said that it was with much regret that he had seen the course which the debate on the first resolution had taken; as the propositions contained in that resolution met his entire and full approbation, he could have wished that instead of the discussion which had taken place, a silent, dignified vote, the spontaneous effect of feeling and judgment, had at once passed. It would have been a better course, would have had a better effect, and kept the American mind from the impression which the protraction of the discussion must have occasioned, when taken in connection with the subject. A view however of the embargo had been gone into in respect to its past effects at home, and its probable future effects at home and abroad. As that course had been adopted, he said he should find an apology for the time which he should occupy, in the present eventful crisis, and the interest it universally excited.

I did myself believe (said Mr. KEY) that the first resolution was an abstract proposition, and I still think so, although gentlemen consider it special; but surely a special proposition may be an abstract one. That which I consider an abstract proposition, is one out of which no future legislative proceedings can grow; but I agree that the crisis well warrants an expression of the public voice.

I shall take up the report and resolutions as a system, not with a view to condemn the report at all, for I take it as gentlemen wish it to be considered. I understand the gentleman from Massachusetts (Mr. BACON) as stating that the committee on our foreign relations had said nothing of the embargo. It was not necessary, Mr. Speaker, that they should, for the embargo law continues in operation until repealed. But surely it must be recollected that the Committee on Foreign Relations in their resolutions seemed to consider the system which they recommend, as including a continuance of the embargo; and I trust I meet the committee on fair and firm ground, when I consider their assent to be implied to the continuance of the embargo, and that it is their opinion that the measures which they recommend, united with the embargo, form an efficient system proper for the American people to adopt at this time. I shall necessarily therefore endeavor to answer gentlemen who have considered the embargo as a wise measure for the American people; that they are competent to bear it; and that it will, if guarded more sedulously, yet work out the political salvation of our land.

That the embargo is a measure severely felt by our country at large, and by some portions of it to a very eminent degree, cannot be denied. I did not expect to hear its effects contradicted; but they have been in some measure softened by the honorable chairman of the committee. I think the pressure of this measure great, and in some places requiring all the exertion of patriotism to support it. And as a proof of it, the members on this floor from

different parts of the Union have only contended which section suffered most. A member from Massachusetts, (Mr. QUINCY,) because he conceives that thirty millions of dollars have been lost to the Eastern country by the measure, hence concludes that the Eastern country suffers most. The gentlemen from the Southern country say that they raise seventy millions of pounds of cotton, of which but ten millions are consumed at home, and the whole of the residue remains on hand; and that having seven-tenths of their produce unsold, conceive that they most sensibly feel the weight of this affliction in their country. A member from Virginia (Mr. RANDOLPH) will not yield the palm of oppression to either. "I live (said the gentleman) in the centre of the tobacco country, whether you draw the line from East to West, or from North to South. We are not less pressed than others, for we have no vent for this article so obnoxious in itself, but which the taste of mankind has rendered necessary." Now, with great deference to all these gentlemen, I say that my country suffers most. The Southern country possesses its staples, which but remain on hand; their value only diminished by the non-export. Tobacco and cotton may be preserved without material injury for a length of time. We know that at the close of the Revolutionary war tobacco bore a greater price than previous to its commencement, and amply remunerated the holders. But I represent an agricultural country. What can resuscitate wheat devoured by the fly? What restore flour soured in the barrel? Our produce perishes, the subject is destroyed. So far therefore as I represent an extensive and fertile farming district, I will not yield the palm of pressure to the cotton and tobacco country. So great has been the feeling of the people that it has wrought a wondrous change in the State which I have the honor to represent; not in men who are either deluded or deceived, as intimated by the gentleman from Tennessee, (Mr. CAMPBELL,) but men who, by the pressure of the embargo itself, have been driven to reflection, and by reflection removed the film from their eyes, and thereby seen their true interests more distinctly. In the course of the last Winter, the Legislature of the State of Maryland, believing that the Orders in Council justified the embargo, and that it was a wise measure, approved of it. Succeeding elections have taken place, and the present House of Representatives tells you that it is most ruinous and oppressive. Such certainly are its effects in the State of Maryland; and I should illy represent my own district, if I did not so declare. Gentlemen will say that I should rather be pleased with the change than regret it; but, so help me God, Mr. Speaker, I am much less anxious what description of citizens administers the affairs of the country, than that they should be well administered; that it should protect the liberty, give to labor its just reward, and promote the happiness and prosperity of the citizens.

But it is alleged, by the honorable chairman of the committee, (Mr. CAMPBELL,) that this is a delusion; that the people do not comprehend the subject; for that it is the Orders in Council which have produced our embarrassments, and not the embargo. Here then, sir, I am precisely at issue with that learned and honorable gentleman. I contend that the pressure on the people is caused by the embargo, and not by the Orders in Council. However speculative theorists may reason, there is proof abroad, and stubborn facts to contradict their reasoning. Test the market from Boston to Savannah, as to the price which you may get at ninety days credit, the embargo being continued, or on condition that the embargo be repealed in thirty days. Is there no difference in the price under these circumstances? I know well from experience, and the whole country knows, that if the embargo be now taken off, the price of every species of produce will rise fifty per cent. The depreciation in price then flows from the embargo. Remove it and they will give you more; keep it on and they will give you less. These are stubborn facts, and every man who has gone to the market will attest their correctness. You may reason as you please; but there is not a farmer that can be reasoned out of his senses, especially when they are sharpened a little by necessity. I hold these facts to be more conclusive than any abstract reasoning to prove that the embargo does work a diminution in the value of the articles which we have for sale. If this be the case, it results, sir, that we must ascribe to the operation of that measure the loss our country now so greatly feels. Our citizens are not so uninformed as the gentleman from Tennessee imagines. He thinks, and I agree with him, that the public voice will be generally right when the people are well informed. They have seen all the official communications which have been published, and are competent to judge whether the Orders in Council justified the embargo, and whether, if the embargo had not been laid, they would have wrought that effect which we now so sensibly feel. Instead of being deluded, sir, their eyes are open, and the film removed; and they see that the embargo was not justified by necessity, and as far as their opinion has been expressed, that it was impolitic and unwise.

The gentleman seems to think that the country cannot feel much because it feeds well; but we may feel and feed at the same time. It is plenty that we complain of. Our surplus is touched by this torpedo, the embargo, and is thereby rendered useless. But gentlemen say that if the embargo were now taken off, we could not trade; and a calculation has been entered into by the gentleman from Tennessee in opposition to one made by me at the last session. I have not seen my calculation for months, sir; it is before the public—the gentleman's statement will go to the same tribunal, and I am willing to commit my slender reputation to the country for the accuracy of mine,

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and let the people judge between us. The gentleman tells you that we have no commerce to resort to which would be either safe or profitable. It is strange we cannot confide the decision of this question to commercial men—for what commercial man would undertake a voyage which shall be attended with certain ruin? I had thought that men of great experience and information, and whose knowledge was sharpened by interest, might be safely confided in. But merchants, whose habits of life have led them to calculate, whose information extends to every part of the world, are not to be trusted with the prosecution of their own interest, but we must kindly take it in hand for them! Sir, I contend that commerce had better be left free for merchants to find a market, which every one knows they would do, from their eagerness now to ship. If they could not export with safety, or profit, they would lay a voluntary embargo, ten thousand times better than a coercive one; the very necessity of coercion shows that our merchants would sail, were it not for the embargo. I contend that the embargo is ruinous and oppressive. Need I say any thing further on the subject? Look at the country. The courts of justice shut in one of the Southern States; executions suspended in a State contiguous to this; and Maryland reduced to the same necessity, from the circumstance of there being no market for our produce. So great is the pressure that the people have it not in their power to pay their ordinary debts; and how eloquent is the fact that in a moment of peace (for certainly there is not war) we are compelled to arrest the current of justice. The legislative acts depict the situation of the country more strikingly than volumes of argument. The State Legislatures know the inability of their citizens to pay, and hold out a kind hand to assist them.

In point of revenue how does it work? The honorable chairman of the committee, (Mr. CAMPBELL,) in a speech of great learning and investigation, told us that the Treasury never was more full. I wish the documents were before the House to convince us of it. But did an atom of it flow in from the operation of the embargo? If there be such a surplus, it only shows the beneficial operation of the system pursued anterior to the embargo. What is to fill your Treasury now, if the people cannot sell their products? What will in this case become of your source of wealth in the Western country? The people can neither buy lands, nor buying, pay for them. Where is the impost duty which has supported the Government, and sunk to a considerable degree the national debt? The moment you prevent all importation, there is an utter extinction of impost revenue; and at once a physical inability to produce any from the people at large. We are a rich country, abounding in the necessaries of life; we have money's worth, but no money. Nor can our people by any practical means raise money to defray the expenses of State Governments,

much more of that of the United States. I am in the country, sir; I cannot collect my rents, my neighbors cannot sell wheat or tobacco. All is stopped. I ask then what physical ability we have to discharge the State taxes, or any other? We have no other way of getting money but through the sale of our produce. Gentlemen say that our revenue would fall just as short, supposing the embargo to be raised. That is begging the question, sir. They assume that for a truth which they ought to prove in the first instance. Leave commerce open, and you will soon have money in return for our produce, or that which will procure it. Revenue is the life of Government, and let me suppose gentlemen to be sitting here thirteen months hence, on the first of January, 1810. Where is your revenue then to come from? You have dried up every source of the national wealth. What must you do? Either borrow or raise money by direct taxation. There is no doubt what must be resorted to; and it was touched with great ability, though slightly touched, by the gentleman from Virginia, (Mr. RANDOLPH,) as to the consequences which must grow out of such a system of direct taxation. This species of taxation is consonant to the genius of the country, to the habits of our people—it comes too close to the pocket of the agriculturist, and is besides a source of revenue which ought to belong exclusively to the States. I hold it as a political truism, that upon the sovereignty and independence of each State, as guarantied by the constitution, do our liberties depend. I know that some of the ablest men in America opposed the adoption of the Federal Constitution on this ground: that the General Government being raised and supported on external matters only, if the time should every arrive at which foreign commerce should cease, and internal taxes be resorted to, that great would be the conflict between the officers of the State and General Governments, which would ultimately end in the prostration of State rights. Gentlemen call the embargo, in silken phrase, a temporary suspension of commerce. I will call it by its own name; it is better known to the people by it. I contend that the embargo now laid is a perpetual embargo, and no member of this House can constitutionally say it is otherwise; for the immediate Representatives of the people have so played the game as to leave the winning trump out of their own hands, and must now have a coincidence in opinion both of the Senate and of the President of the United States to effect its repeal. If the whole of this body were to consent to a repeal, and a majority of the Senate, yet the President might resist them both. Is there any limitation to the law on the statute book? No; but there is a power given to the President to suspend it in the whole or in part, in the event of certain contingencies. Have those contingencies happened? Are they likely to happen? No, sir; and these are the views which I take of the subject. America, anxious

to get rid of this burden, has proffered to take it off, if either of the two belligerents would relax their edicts in our favor in relation to such one, keeping it on in relation to the other. What says the sarcastic British Minister? Why, sir, that they have no cause of complaint; that it was laid by the President as a precautionary measure; and they were told by our Minister that it was not to be considered as a hostile measure. What says France? She gives us no answer, say gentlemen. Aye, sir—and is that true? Have we indeed received no answer? I think we have one that wounds our feelings as deeply as the answer of Mr. Canning. It is the situation of our Minister abroad, who says he dare not ask for an answer, because the asking it might be injurious to our cause. What, have we a Minister abroad, and is he afraid or unwilling to make a proposition to the Government where he is resident? Surely, sir, that state of things furnishes as definite an answer as any that could be given. We have no hopes that either will remove its edicts. Sir, I consider the embargo as a premium to the commerce of Great Britain. Gentlemen say that she is a great power, a jealous power, and possessed of a monopolizing spirit. If these views be correct, by annihilating our commerce, do we not yield the seas to her, and hold out an inducement to her forever to continue her orders in force? What prospect is there that the embargo will be removed? It cannot now be got rid of by a vote of this House. We are saddled with it. If we cast our eyes to proceedings elsewhere constitutionally held on the same subject, we shall find that it is to remain still farther to oppress and burden the people of this country with increased rigor.

As a measure of finance it has laid the axe to the root. The tree is down that bore the golden fruit, and will not again grow till we ease ourselves of this measure. In a fiscal point of view I cannot then for my life think it a wise or provident measure. But as a preparation for war, it is still worse; because it produces a deficiency of that out of which war alone cannot be sustained. Instead of having money for your surplus produce, it rots upon your hands; instead of receiving a regular revenue, we have arrested its course, and dried up the very source of the fountain. As to preparation at home, which is the only preparation contemplated to make, what or whom is it against? Against France? She cannot come here. Or against England, who, with the monopoly of commerce which you leave her to enjoy, has no object further to annoy you? I believe, as a preparation for war, the best expedient would be to get as much money as we could, to send out our surplus produce and bring back the supplies necessary for an army if to be raised at all—to arm and discipline the militia. A raising of the embargo would be a preparation for war—it would bring us articles of the first necessity for our surplus. But on a continuation of the embargo, things must progress from bad to worse.

Another thing, sir; I do not now mean to take a constitutional view of the subject—but will not gentlemen pause and reflect on the continuance of the embargo? It is well known that the General Government grew out of a spirit of compromise. The great authors of that instrument were well acquainted with the term embargo. A temporary embargo for the purpose of sending out a squadron or concealing an equipment, was well understood. But I ask every one who hears me, if a question had been agitated in convention to give Congress a power to lay an embargo for one or two years, if the Eastern or commercial States would have agreed to it? Does any man believe it? No man who knows the country can believe it. With what sedulous anxiety did they say, in a negative provision of the constitution, that Congress should not lay an export duty! You are prohibited the minor power of taxing exports, and yet you stop exports altogether for an indefinite term. It is utterly inconceivable, that the States interested in commerce should have given their assent to any such powers so self-destructive. If they had given them, they ought to be most clear; not by implication, but most manifest. The exercise of powers counteracting principles most dear to every part of the community, ought to be assumed with the utmost caution. Under that view, except the measure be most wise in itself and its effects most clear, the Government ought not to continue the embargo. But why is it to be continued? We have taken some view of its effects at home. Let us see what effects may be expected to be produced by it abroad. An honorable gentleman told us an hundred millions were saved by laying the embargo, a sum nearly equal to the whole exports of the United States for one year, excluding the capital employed. The first two or three seizures of vessels, sir, would have sent an alarm abroad, and the danger been so imminent, they would have voluntarily retired from destruction. There are no reasonable data from which to infer that one hundred millions of our property could at any one time have fallen a prey. Some few vessels might have been taken, but the rest would have escaped the grasp of the power which harassed them.

I will now examine the character of this measure; for upon my word, sir, it seems a political nondescript, though we feel its effects so severely. The President tells you it is a measure of precaution only; and yet we are told by the gentlemen that it is a species of war, which America can best use to coerce the two greatest powers on the earth, commanding land and sea, to truckle at our feet. I know not how gentlemen can place our connection with foreign nations in such a predicament; whilst the President officially holds out to the world that the embargo was a peaceful measure, gentlemen now say that it is a coercive one, a sort of quasi war. I recollect a gentleman at the last session making an estimate of the West Indies being worth an hundred millions to

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Britain, and predicting that before the measure was ninety days known in the West Indies, it would bring that nation to our feet, that it would act as a great political lever, resting its fulcrum on Jamaica, and move all Europe to our wishes. Double the number of days have elapsed, and they hold out insulting language. How then can we trust to the future predictions of gentlemen? Their error arises from a want of knowledge of the country; a little experience is worth all the theory in the world. In the years 1774-'5, an honorable feeling adopted a non-exportation and non-importation agreement, more faithfully executed by patriotism than any law since made or enacted; for every family refused to use an article which was not raised within the bosom of its own country. Did it produce starvation in the West Indies? No, sir; the politicians of that day did not so calculate. They knew the resources of those islands, and told them that if they would convert a part of their sugar plantations into corn-fields, they would not suffer. We are now in the habit of overvaluing ourselves and undervaluing our enemies. Come the day when it will, we shall have no ignoble foes to meet.

In the Revolutionary war how did England stand—how her islands? For several years she was at war with America, with Holland, with Spain, with France, whose fleets in the East and West Indies were often equal, sometimes superior to her own, and an armed neutrality in the North—during this period a French fleet blockaded the Chesapeake, and aided the capture of Cornwallis, and threatened the British islands—but how was this conflict with the world sustained? Were the islands starved during these years? did they fall? No, sir; the British nation braved the storm, and was only conquered by her sons—America was victorious and independent; but Europe retired discomfited. Sir, America can again prove victorious, but it must be by other measures than embargoes—destructive only at home and without effect abroad.

It is said that one reason why the embargo has not pressed so hard on Great Britain as it might, is, that it has not been so tightly drawn as it may be; that our citizens have evaded it. And, sir, if I have not any geographical knowledge of the country, tighten the cords as you may by revenue cutters and gunboats on the seaboard, and collectors and military on land, they will escape both. Interest, ever alert, will avail itself of our extensive coast and elude the law.

But gentlemen say they are not accountable for the failure in England, from another cause—the language of the public papers and pamphlets of the anti-embargoists. The enemy, we are told, has been induced to hold out under the idea that America will yield. Sir, would Great Britain rely for her oracles on the newspapers or pamphlets of this country? Have those causes wrought on her a perseverance in her measures? I wonder, sir, that, in the anxiety to find causes,

gentlemen never cast their eyes to official documents—to a very important State paper issued on this side the Atlantic—saying that the marshals and civil force were not adequate to enforce the embargo. When the President's proclamation arrived in England, no doubt could have remained of the effect of the embargo. Another public record accompanied it—an act of one of the States arresting executions for debt during the continuance of the embargo, and for six months afterwards. With these public documents before them, the British nation would be more apt to judge, and more correctly judge, of the internal situation of the country, than from all the periodical publications of the day put together. Pamphlets also have been written in this country, of which it is said the British Ministry have availed themselves, to induce their people to believe that the United States are not capable of suffering. I believe we are. The people of America are as patriotic as any on earth, and will respect the laws, and must be made to respect them. They will obey them from principle; they must be made to obey them if they do not; for, while a law is in existence, it must be enforced. But I am somewhat surprised that gentlemen who talk of opposition publications in this country, as influencing England, should derive all their political data from British newspaper publications or opposition pamphlets. British opposition papers and pamphlets are with them the best things in the world; but nothing said here must be regarded there as correct. Even Mr. Baring has been quoted, who is a commission merchant, to the greatest extent perhaps known in the world. The Louisiana purchase of fifteen millions was nothing to him as a commission merchant. The next writer referred to, is Mr. Brongham, brought before Parliament, to assert the rights of a body of merchants confined almost exclusively to the continental trade. He came forward on their account, and the fact was demonstrated, notwithstanding his exertions, that the Orders in Council did not, but the prior French decrees did, curtail that commerce. So the majority thought and acted on that supposition. If the continuance of the embargo, then, does not produce a change in the policy of Great Britain, by its operation on the West Indies, if they resort to documents in this country, or even to speeches on this floor, they will probably continue the conflict of suffering as long as we are able to endure it, and continue our measures. For my opinion is, sir, that the extent of our seaboard affords such opportunities for evasion, that, unless we station cutters within hail of each other, on our whole coast, they will not be competent to carry our laws into effect. It will be benefiting the British colonies at the expense of our own country.

The continuance of our measures may be productive of another consequence, attended with more serious mischief than all others together—the diversion of trade from us to other channels. Look at both sides of the case. If Great

Britain holds on, (and my predictions are not fulfilled, or she will persevere,) she will look for other resources of supply, that, in the event of a war, she may not be essentially injured. She will endeavor to arrange her sources of supply, so that no one nation refusing to deal with her shall have it in their power materially to impair her interests. As to cotton, large quantities of this article were formerly drawn from the West Indies. The destruction of the sugar estates in St. Domingo gave a new direction to cultivation. They ceased to grow in many of the West India islands that article which they formerly had raised to a considerable extent, (cotton,) and which, if the increased labor employed in the sugar estates, now adequate to the supply of Europe, be not profitable, they will again cultivate. The Brazils will assist to take a sufficient quantity for consumption, (and, as well as my memory serves me, they produce seventy or eighty thousand bags annually;) and South America will add her supplies. I grant that we can now undersell these countries; but I beg gentlemen to pause before they drive England into a change of commercial habits, which in the hour of future peace may never be fully restored, and thus inflict deep and lasting wounds upon our prosperity. Sir, we are told that we are to produce great effects by the continuance of the embargo and non-intercourse with this nation. Do gentlemen who were in the majority on the subject of the embargo when laid (for I was anxious then that at least foreign nations might come and give us what we wanted in exchange for our product) recollect their argument against permitting foreign vessels to come and take our produce; that it was privilege all on one side; that it would be nominal to France, while England would be the sole carrier? Now, sir, as to the non-intercourse system—how does that operate? France has no commerce—cannot come here—and therefore is not injured by her exclusion from our ports. It operates solely on England. If the argument was then correct, to avoid the measure because it operated to the sole benefit of England, what shall we think of the non-intercourse measure which operates solely against her? In a commercial view, therefore, and in point of interest, this country will be deeply benefited by a removal of the embargo.

But, gentlemen say that the honor of the country is at stake; that a removal of the embargo would be submission to Great Britain, and submission to France. How is our honor affected by removing it? We say we will not trade—with whom? With them alone? No, sir; the embargo says we will not trade with anybody. All nations, when they find it convenient, can pocket their honor for profit. What is it we do for a license to go into the Mediterranean? Do we not pay an annual tribute to Algiers for liberty to navigate the sea safer from its corsairs? Have we not an undoubted right to navigate the Mediterranean?

Surely; and yet we pay annually a tribute for permission to do it—and why? Because the happiness and interest of the nation are promoted by it. In a monarchy, the Prince leads his subjects to war for the honor of his mistress, or to avenge a petty insult. But, what best consults the honor of a Republican Government? Those measures which maintain the independence, promote the interest, and secure the happiness of the individuals composing it. And that is the true line of honor which, if pursued, shall bring with it the greatest benefits to the people at large. I do not know, sir, strictly speaking, whether the destruction of any commercial right is destructive to the independence of the country; for a nation may exist independent, and the happiness of the people be secured, without commerce. So, that the violation of commercial rights does not destroy our independence. I acknowledge that it would affect the sovereignty of the country and retard its prosperity. But, are not the measures which have been adopted, submission? No train of argument can make more clear the fact, that, withdrawing from the ocean for a time is an abandonment, instead of an assertion, of our rights. Nay, I think I have the authority of the committee for it, for I speak of submission as applicable to the measure recommended by the committee. They say, that "a permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance; it would be withdrawing from the contest, and abandoning our indisputable right freely to navigate the ocean." If a permanent embargo, after repeated offers of peace, would not properly be resistance, but an abandonment of our rights, is not a temporary embargo—and this has been a year continued—an abandonment for the time? Unquestionably it is. So long as it continues, it does abandon our rights. And now I will show that it is submission, and not resistance. I maintain that the embargo, aided by the second and third resolutions of the committee, does complete an abandonment of our maritime rights, and is a submission to the orders and decrees.

Of what nature are the rights in contest? They are maritime rights, and not territorial; and, to be used, must be exercised exterior to the limits of our territory. Whatever measures are confined within our territorial limits, is not an assertion or enjoyment of our exterior rights. Their enjoyment must be abroad, consisting of the actual use of them. If, then, all our measures be confined within our jurisdictional limits, they cannot amount to an enjoyment of the rights exterior to those limits. I will illustrate this, to every man's comprehension. There is a street in Georgetown, through which every one has a right to pass—it is a highway. A merchant, with whom I have dealt for many years, because I purchase some articles of another merchant, says I shall not go through that street. I cross over, and his enemy says I shall not pass by him. I retire home and call a consultation



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of my friends. I tell them that I have entered into resolutions, first, that, to submit to this will be an abandonment of my right to pass and repass. Well, what then, say my friends? Why, I declare I will neither go nor send to either of their houses—have no intercourse with them. Well, what then? Why, I will buy a broadsword and pair of pistols, and lock my door and stay at home. And do I enjoy my right of walking the street by making myself a prisoner? Surely not, sir. Now, this is precisely our case, under these resolutions. We say, that to submit, would be a wound on our honor and independence. We call a consultation. What is the result of it? We say we will have no intercourse with the nations injuring us, nor with any other; and, lastly, that we will arm and defend ourselves at home. And, I ask, is this resistance? Is it an enjoyment of our rights, or a direct, full submission? Is it not an abandonment of those rights to which we are entitled?

It has been said, that the little portion of commerce which would remain unaffected by the belligerent edicts, would belong to us as a boon from England, were we to prosecute it. I do not understand it in this light. Our right to navigate the ocean is inherent, and belongs to us as a part of our sovereignty; but, when interdicted from any one place, if we go to another, we certainly do not accept that commerce as a boon. I might as well say, if a man interdicted me from going down one street in Georgetown, that I accept a boon from him in going down another. This is certainly not the case. The trading to these places is exercising our original right, not interfered with; and, so far as those orders and decrees do not operate, we could carry on a legitimate trade, flowing from our indisputable right, as a sovereign nation, to navigate the ocean. It does seem to me then, sir, that the residue of our trade might be carried on without submitting to the belligerent edicts. But, an honorable gentleman (Mr. G. W. CAMPBELL) asked me, yesterday, if we were to permit our enemies to take any part, whether they would not take the remainder? This, like the horse's tail in Horace, would be plucked, hair by hair, till it was all out. True, sir, this might possibly happen. But, what have we done? Why, we have cut the tail off, for all the hair should be taken out. We have ourselves destroyed all that portion of our trade which the belligerents have not interdicted.

Taking the whole into view, then, I think that the continuance of the embargo, as an assertion of our rights, is not an efficient mode of resistance.

But gentlemen say, in a crisis like the present, each individual ought to contribute his share, it is very easy to find fault; and they ask for a substitute. I want no substitute. Take the embargo. That is what I want. But when called upon in this manner, I cannot help looking around me to the source whence I expected higher and better information. The

crisis is awful. We are brought into it by the means recommended by the head of our foreign relations. I think the President advised the embargo. If he did not, he certainly advised the gunboats and the additional military force. In these minor measures, which have been in their consequences so interesting, there was no want of advice or responsibility. Why then, in this awful crisis, shall we not look to the same quarter? The responsibility is left on us. We anti-embargoists show that things would not have been thus, had our advice been taken; and, not being taken, we have little encouragement to give more. Our advice is on the journals. We said, let us have what commerce we can get, and bring home returns to stimulate our industry. I believe the declarations of gentlemen when they say that they are friendly to commerce; but their fondness for it is the embrace of death. They say they will protect it; but it is strange that they should begin to protect it by abolishing it. I contend that their measures have not answered the purposes of protection, but on the contrary they have been prejudicial to it; and I trust in their candor that they will join us in giving elasticity to commerce, and removing this pressure. The interests of commerce and agriculture are identified; whenever one increases, the other extends. They progress *pari passu*. Look at your mercantile towns; and wherever you find one, like a pebble thrown into water, its influence extends in a circle more or less remotely, over the whole surface. Gentlemen from the agricultural country vote to support commerce, because it increases the value of their own product; they are not so disinterested as they suppose, and I believe the best way is to consider the two inseparable. As I am at present disposed, could I not obtain a total repeal, I would prefer a resolution laid on the table by a gentleman (Mr. MUMFORD) from one of the largest commercial cities in the Union, and who must be supposed to know the opinion of commercial men. I can scarcely with my knowledge or understanding point out any thing; but if I have not capacity to be one of the *ins*, I can readily perceive whether the present system be adequate or not. I would let our vessels go out armed for resistance; and if they were interfered with, I would make the dernier appeal. We are able and willing to resist; and when the moment arrives, there will be but one heart and hand throughout the whole Union. All will be American—all united for the protection of their dearest rights and interests.

Mr. LYON opposed the report in a speech of an hour.

Mr. DESHA said he had been particularly attentive to the whole of the debates during the very lengthy discussion of this important subject, and, said he, I am at a loss how to understand gentlemen, or what to conclude from their observations. Am I to conclude that they are really Americans in principle? I wish to do so; and I hope they are; but it appears

somewhat doubtful, or they would not tamely give up the honor of their country by submitting to French decrees and British Orders in Council—that is, by warmly advocating the repeal of the embargo, without proposing something as a substitute. Do gentlemen mean an abject acquiescence to those iniquitous decrees and Orders in Council? Do gentlemen mean that that liberty and independence that was obtained through the valorous exertions of our ancestors, should be wrested from our hands without a murmur—that independence, in the obtaining of which so much virtue was displayed, and so much blood was shed? Do they mean that it should be relinquished to our former masters without a struggle? Gentlemen assign as a reason why the embargo should be removed, its inefficacy—that it has not answered the contemplated purpose. I acknowledge that as a measure of coercion it has not come entirely up to my expectations. It has not been as efficient as I expected it would have been. But what are the reasons why it has not fully come up to the expectations of its supporters, as a measure of coercion? The reasons are obvious to every man who is not inimical to the principles of our Government, and who is not prejudiced against the present Administration. Was it not for want of unanimity in support of the measure? Was it not in consequence of its having been wantonly, shamefully, and infamously violated? and perhaps winked at by some who are inimical to the principles of our Government; but who have had address and ingenuity sufficient to procure themselves to be appointed to office, and in which situation they have obtained a certain influence, and by misrepresentations as well as clamorous exertions have, in many instances, led the unwary astray, and caused the measure to become unpopular in some parts of the country? By improper representations and fallacious statements of certain prints, apparently, and I might add, undoubtedly, hostile to civil liberty and free Government, and advocates of British policy; by the baneful opposition of British agents and partisans, together with refugees or old tories, who still recollect their former abject standing, and who have never forgiven the American independence, and who, in all probability, are doing all in their power at this time to assist their master George the Third in bringing about colonization and vassalage in this happy land—by keeping up party spirit to such a height, that the tyrant of the ocean was led to believe that he had a most powerful British party in the bosom of our country—and that, by an extraordinary opposition made to the embargo, we would become restless, and could not adhere to a suspension of commerce—consequently would have to relax, and fall into paying tribute, under the Orders of Council, to that corrupt Government, Britain. These are part of the reasons why the embargo, as a measure of coercion, has not proved completely efficacious; and had it not been for this kind of conduct, our enemies would have been

brought to a sense of justice, an amicable adjustment of differences would have taken place. By this iniquitous conduct they have tried to wrest from the hands of Government an engine, the best calculated of all others that could have been imagined, to coerce our enemies into a sense of justice, and bring about reciprocity of commerce, that most desirable object, a system of all others the best suited to the peaceful genius of our Government. But if it has not been entirely efficacious as a measure of coercion, it has been particularly serviceable in many instances—by keeping us out of war, which is at all times to be deprecated by civilized men, by preserving our citizens from becoming victims of British tyranny on board their war ships, and securing an immense amount of American property that was sailing on the ocean, supposed to amount in value to between sixty and a hundred millions of dollars, the principal part of which would inevitably have fallen into the voracious jaws of the monster of the deep, or into the iron grasp of the tyrant Napoleon—by which, if we are involved in war, we have preserved the leading sinews, wealth; and above all, for preventing us from becoming tributary to those piratical depredators, whose inevitable determination is to monopolize the whole trade of the world, by which they rob us of our inherent rights. If gentlemen had come forward with propositions to adopt any thing as a substitute for the embargo, that would have prevented us from the degradation of submission, or from falling into the hands of those monsters of iniquity, they no doubt would have met with support. The friends of this measure are not so particularly attached to it, but what they would willingly exchange it for one that was less sorely felt, less oppressive, and one that would preserve national honor, and bring about a redress of grievances; as it was with extreme regret that they had to resort to the measure of the embargo, and which could only be warranted by the necessity of the case. I am as anxious for the repeal of the embargo as any gentleman in this House, or perhaps any man on the continent, whenever it can be done consistent with the honor and welfare of the nation. The citizens of Kentucky, whom I have the honor to represent, feel its effects in common with their fellow men throughout the continent; but their patriotism is such that they bear it with cheerfulness, and magnanimity, and very justly consider it as a preventive of greater evils. I think that a retrograde step at this time would have the appearance of acquiescence, and be calculated to mark the Government with pusillanimity; therefore I deprecate war, believing as I do, that in a Government constructed like ours, war ought to be the last alternative, so as to preserve national honor. As such it would perhaps be advisable to adopt something like the second resolution that is under consideration, which, in addition to the embargo, would amount to a complete non-intercourse—which if systematically adhered to must produce the desired

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effect. If it should not, it will at least give time to make preparations for a more energetic appeal, which may probably have to be the result. But let it not be understood, because I am for avoiding war, as long as it can be avoided upon honorable terms, that I am against going to war when it becomes actually necessary. No, sir, my life and my property are at all times at my country's command, and I feel no hesitation in saying that the citizens of Kentucky, whom I have the honor to represent, would step forward with alacrity, and defend with bravery that independence in which they glory, and in the obtaining of which some of the best blood of their ancestors was spilt; for the degradation of tribute they would spurn with manly indignation. I would even agree to go further. From my present impression, I would agree to a recall of our Ministers from both England and France, and to a discharge of theirs; and have no intercourse with the principal belligerents until they learned to respect our rights as an independent nation, and laid aside that dictatorial conduct which has for years been characteristic of those European despots; for I am almost certain, under existing circumstances, that our Ministers in neither England nor France can do us any possible service, and that their Ministers here can, and in all probability do a great deal of harm, by fomenting division and keeping up party spirit, at a time, too, when unanimity is of the utmost consequence.

As to our commerce being driven from the ocean, I am not disposed to take a lengthy retrospect, or to examine minutely in order to discover which of our enemies, England or France, was the first aggressor; it is sufficient for me that both France and England have done nearly all in their power to harass and oppress us in every imaginable way. I am not the apologist of either France or England. I am an American in principle, and I trust whenever it is thought necessary to call my energies into action I shall prove myself to be such, by defending and protecting the rights and independence of my own country, from any encroachments, let them come from what quarter they may. By those iniquitous decrees of France, all vessels bound to or from England are deemed lawful prize, and if spoken by an English ship they were condemned in the prize courts of France. When a ship arrived in any of the French ports, bribery and corruption was practiced; in order to succeed in her condemnation, a separate examination of the crew would be resorted to, as to the events that happened on the voyage; offers made of one-third of the ship and lading as their portion of the prize money, if they would give information of their vessel having touched at any of the ports of England, or that any English cruiser had visited her on the voyage. Consequently, by the French decrees, all property afloat belonging to the Americans was liable to seizure and condemnation. Are gentlemen, possessing the feelings of Americans, pre-

pared to submit to such degradation? Are they prepared to say the embargo shall be raised, while our commerce is subjected to this kind of depredation? I trust not.

As respects the British Orders in Council, all American vessels bound to French ports, or to any of the allies of the French, are considered good prize in the courts of Britain. England says you must not carry on any trade to any of the places that I have interdicted, without obtaining my leave—pay me a duty, and then you shall be permitted to go to any port—by paying me a tribute you may trade to any port you please. Degrading to freemen! Britain in her goodness says, you shall have the liberty to bring flour from the United States of America to England, land it, and re-export it, by paying two dollars on every barrel into my coffers. On cotton, which is certainly a very important article, a duty is charged on its exportation of about nine pence per pound sterling; nearly equal to the full value of that article in the parts of America where it is raised, exclusive of the import duty, which is two pence in the pound. Therefore, if our traders wish to go to the Continent of Europe, the condition is, a tribute must be paid nearly equal to the value of the cargo, exclusive of the insurance and risk. If I mistake not, about two-thirds of the cotton exported from this country is made use of in England; on the balance a tribute must be paid of about nine pence sterling per pound, which is about twenty millions of pounds—on a calculation the sums will be found to be enormous—purely for the liberty of selling cotton; as also high and oppressive duties on other articles. If these impositions are submitted to, I pronounce your liberties gone—irretrievably lost—a blot made in the American political character, never to be obliterated. No man possessing an American heart will submit to the degradation of paying tribute to any nation on earth, nor suffer the freemen of America to be taxed without their consent. Will gentlemen say the embargo law must be repealed, and suffer our commerce to flow in its usual channel, while the decrees of France and the British Orders in Council are enforced, by which they would not only be liable to seizure and condemnation, but what is more degrading, pay a tribute of many millions of dollars annually, too degrading to be thought of with patience? We received liberty in its purity from our heroic ancestors—it is a duty incumbent on us to transmit it to posterity un sullied, or perish in the undertaking.

But, sir, it has been said that the people of the East would not bear the continuance of the embargo any longer—that they would force their way in trade; hinting, I presume, that they would openly rebel against your laws if they were not allowed to pursue their usual course in commerce, by which they subscribe to those nefarious Orders in Council, which is tribute of the most degrading kind. Who are these people of the East that have the hardihood to insinuate any thing like rebellion against the

laws of the land, or that would wish to degrade themselves so far as to pay tribute? It cannot be the descendants of the heroes of '76, that bravely stepped forth and fought against a tyrant for liberty! It cannot be the descendants of those brave fellows that struggled on the brow of Bunker's Hill for independence! No. It must be the descendants of refugees or old Tories; or otherwise it must be British agents or partisans; for no man possessing the feeling that an American ought to feel, would throw out such threats, or degrade himself by coming under tribute. If patriotism has left the land of freedom—if it has taken its flight from the mild and peaceful shores of Columbia—if foreign influence and corruption has extended itself so far that the people are disposed to rebel against the Government of their country—if the dissemination of foreign gold has had the baneful effect of suppressing all noble and patriotic sentiments, it is indeed time that foreign intercourse should cease. If the spirit of commercial speculation and cupidity had surmounted all patriotism, it is time that more energetic measures should be resorted to, in order that the chaff might be separated from the wheat; in a word, that traitors might be known.

Mr. NELSON said it was with very considerable reluctance that he rose to make a few remarks on this subject, after the very lengthy and very eloquent discourse of the gentleman from Maryland, (Mr. KEY.) I did not intend, said he, to have troubled the House upon this question; but as I am a man who generally speaks off-hand, it is necessary for me to answer the arguments of any gentleman promptly, if I intend to do it at all. For this reason I rise to do away some false impressions which may have been made by the gentleman's eloquence on the House, and on the by-standers, in the galleries, for I must say that his speech was better calculated for the galleries than for the sober members of this House. The gentleman commenced his argument with stating, what I do not believe, with due submission, is true in point of fact, that, although at their last session the Legislature of Maryland passed resolutions approving the embargo, yet another election having taken place, the present Legislature have passed contrary resolutions.

Mr. KEY said he had spoken of the House of Representatives of Maryland, and not of the Legislature.

Mr. NELSON said the House of Representatives have, to be sure, passed resolutions bottomed on the same principles as those on which the gentleman himself has spoken, and which I have heard echoed in the electioneering campaign from almost every stump in the district in which I live. Whilst the gentleman was on this subject, I wish he had told us of the philippic these resolutions got from the Senate of Maryland. The fact is not, as I understood the gentleman to say, that the Legislature of Maryland have passed resolutions disapproving the measures of the Government. But the gentleman inti-

mates that the politics of Maryland have undergone a great change, and that the party formerly uppermost, is now under. Sir, the question which turned out the old members of the Legislature in the county where I live, was not the embargo system, but a question as to a State law. The militia system was the stumbling-block which caused many of the old members to be turned out, and thus the opposite party got the ascendancy in one branch of the Legislature of Maryland. But, since that election, another has taken place for members of Congress; and how has that turned out? Why, sir, that gentleman and two other anti-embargoists are elected, whilst six men, who have always approved of it, are also returned; making six to three. Does this prove a change? No, sir. But we have had another election since that. Out of eleven electors, nine men are returned as elected who have approved this system of measures. Does this prove that the embargo was the cause of the change of the politics of the Maryland Legislature? I think not, sir.

But the gentleman has said that the embargo, and not the Orders in Council and decrees, has destroyed the commerce of this country. I do not know, after all the arguments which I have heard, if the gentleman listened with the same attention as I did, how he could make such an assertion. When our ports are blockaded, and all the world is against us, so that, if the embargo was raised, we could go nowhere with perfect freedom, can gentlemen say that the embargo has ruined our commerce? Is it not these acts which have shut us out from a market? The gentleman says we may trade to England. Yes, sir, we may, provided we will pay all such duties as she chooses, and go nowhere else. And would not the doing this place us in precisely the same situation as we were in before the Revolution? England says we may trade with her, paying heavy import and export duties, but says we shall go nowhere else. If you go anywhere else, she says you shall go by England, take a license, and pay a duty, and then you may trade. Is it to be supposed that the people of the United States will agree to this? Are they reduced to that situation, that they will become the vassals of a foreign power—for what? Why, sir, for the prosecution of a trade with that foreign power, who, if her present impositions be submitted to, may cut up our trade in any manner she pleases; for, through our trade, she will raise a revenue to almost an equal amount with the value of your whole produce carried hence. She levies a higher tribute on some articles than the article itself is worth, and this trade the gentleman wants to pursue. He wants no substitute; "take off the embargo," says he, "and let us trade." Sir, if we could trade upon equal terms, I, too, should say, "take off the embargo, and let us trade." But if we cannot trade, except under the license of a foreign power, I say it would be ruinous to us. And has it come to this, for all the arguments go to

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this, that the American people, for the sake of pounds, shillings, and pence, for the sake of hoarding up a few pence, are to give up their independence, and become vassals of England and France? I hear nothing from the gentleman about the *honor* of the nation. It would appear as if gentlemen on the other side of the House are willing to sell their country if they can put money in their pocket. Take off the embargo, they cry—for what? money. Pay tribute—for what? money. Surrender your independence—for what? all for money, sir. I trust the people have a different feeling from these gentlemen. The people love money, sir; but they love liberty and independence much better. If money had been the sole object, the Revolution would never have happened; and if that be our sole object now, the blood spilt and money spent in our Revolution was all in vain. But the gentleman says, that our honor is not concerned; that Republics have none; that their honor is to pursue that course by which they can make the most money.

Mr. KIR said that he did not say that the honor of the nation was money; but that the line of conduct was most honorable which best secured the happiness and independence of the people.

Mr. NELSON.—I ask pardon of the gentleman if I misrepresented him; because the gentleman's argument was quite vulnerable enough, without my making it more so than it really was. I did understand the gentleman to say, and had he not contradicted me, should still believe so, that the honor of the Republic is precisely that which brings the most riches to the nation. But I ask, whether the line of conduct recommended by that gentleman be such a one as would be proper to secure and take care of the independence of the people? Is it to secure the independence of the people, to suffer a foreign nation to impose upon them any terms which it thinks proper? Is it for the honor or happiness of this nation that we should again pass under the yoke of Great Britain? Is it for the honor of the nation to remove the embargo, without taking any other measure, and to bear with every indignity? No, sir; and yet the gentleman tells you, "take off the embargo, I want no substitute." I did not suppose, sir, that gentlemen who oppose our measures (for I have great charity for them) would openly tell us to take off the embargo, and trade as foreign nations choose to dictate.

But the gentleman talks about the pressure of the embargo. That it does press hard is beyond doubt. It is an evil thing in itself; something like the dose a doctor gives us; it is a disagreeable thing in itself, but it cures your complaint. Thus the embargo is a disagreeable thing; but if we swallow it, however disagreeable, it may bring the political body to health. The gentleman gilds the pill he would give us; but it is a slow poison that would creep upon us, and bring on a distemper heretofore unknown to us, that sooner or later

would carry us to the grave. We take off the embargo, and trade on their terms; what will be the consequence? Will they not forever hereafter compel us to trade as they please? Unquestionably. And is it not better to submit to some inconveniences, eventually to insure a free trade?

The gentleman says that, if produce be offered for sale, on condition that the embargo be raised, it will bring a higher price than if on a certainty that the embargo is to be continued. No doubt, sir, when the embargo is taken off, a momentary spur will be given to exportation; but how long will it continue? It will last but a very few weeks. Produce will soon be reduced to its proper level in the market. Take flour, for instance, the principal article raised for exportation in the gentleman's district and mine. It would rise, on a removal of the embargo, to ten or twelve dollars; and how long would that price last? It would be a thing of a day, and to the people who live in our districts of no sort of consequence; it would be of no benefit but to those who have flour at the market; to the merchants who have bought it up at a low price. Before the honest farmer can bring his produce to market, the great price will be all over; and though no embargo affects it, will be down to its present price, of four or five dollars; so that, although a removal of the embargo would reduce the price of produce at first, I cannot see how gentlemen would make that an argument for taking off the embargo. If the gentleman can show that the price will continue, and that we can traffic without dishonor, then, sir, would I cordially join hands with him to take off the embargo.

But the gentleman says, that the pressure is so very great that some of the States have passed laws for suspending executions. I know not what has been done in other States on this subject, nor what has been done in my own. If the gentleman has any information on the subject, I should like to hear it. A bill was before the House of Delegates for that purpose, but I did trust in God that it would be unanimously rejected. That such a law would pass in Maryland I never had an idea, because it is totally unnecessary. There are fewer men confined in jail for debt on this day than there ever were before for sixteen years that I have been in the practice of the law in that State. No man has gone to jail but those who, to use an emphatic expression, have *broken into jail*, who were too idle to work to pay their debts; who would get a friend to put them into jail, if they could get no other; and who stay there awhile, and then come out new men. This being the case, there can be no reason for shutting the courts of justice there.

On the subject of revenue, I can only say, that at present there appears to be no deficiency of money in the Treasury. It is very certain that if this embargo and non-intercourse system be continued long, our Treasury will run short, and we shall have no means of filling it but by

loans or direct taxation. But I trust and hope that before the money already in the Treasury is fairly expended, if we pursue our object we shall get over our embarrassments. Rather than pursue this subject much further, I would not only arm our merchantmen at sea, but our citizens on the land, and march to the North and East, and see if we could not do them some injury in return for all that we have received from them, even if we should do ourselves no good by it. It would do me some good to be able to do them some injury. I confess I do not like this Quaker policy. If one man slaps another's face, the other ought to knock him down; and I hope this will be our policy.

But the gentleman says that the President recommended this measure to Congress as a measure of precaution. I do believe that, at the time the embargo was laid, it was done as a measure of precaution, and the President viewed it in that light. After its having answered every purpose as a measure of precaution, I am for continuing it as a measure of coercion. For, whatever gentlemen say about turning sugar plantations into cotton-fields, if the embargo be rigidly enforced, that we shall distress the West Indies very considerably, I do believe. I am unwilling to involve this country in a war if I can avoid it, but I am still more unwilling to take off the embargo and embrace the proposition of my colleague: for I have no idea of a free trade being permitted to us. In any country a war is to be deprecated; in this country particularly, where every thing depends on the will of the people, we ought to be well aware that war meets the approbation of the people. We might make many declarations of war without effect, unless the people follow us. We try every method to obtain honorable peace; and if we do not succeed, the people will go with us heart and hand to war.

I shall enter into no calculations on this subject, sir. When the great question is presented to us whether we will submit or maintain our independence, we must determine either to do one or the other: that nation is not independent which carries on trade subject to the will of any other power. Then, to my mind, the only question is, shall we defend ourselves, or shall we submit? And on that question I will make no calculations. If a man submits, of what use are calculations of money, for it may be drawn from him at the pleasure of his master? Let us have as much trade as we may, if we can only carry it on as others please, we need not calculate about money. We shall be poor, indeed; and, having lost our independence, we shall not even have money in return for it. But this nation will not submit, sir, nor will any man, who is a real American, advocate such a doctrine.

As to the embargo, Mr. N. said he was not wedded to it. If any better system were devised, he would give up the present system and embrace the better one, let it come whence it would.

The House adjourned without taking a question.

FRIDAY, December 9.

Mr. LEWIS presented a petition of the President and Directors of the Washington Bridge Company, praying a revision and amendment of an act passed at the last session of Congress, entitled "An act authorizing the erection of a bridge over the river Potomac within the District of Columbia."—Referred to the Committee for the District of Columbia.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, presented a bill to revive and continue the authority of the Commissioners of Kaskaskia; which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed bill to authorize the President to employ an additional number of revenue cutters was read a third time: Whereupon, a motion was made by Mr. DUKELL that the said bill be recommitted to the Committee of Commerce and Manufactures, farther to consider and report thereon to the House: it passed in the negative.

The main question was then taken, that the said bill do pass, and resolved in the affirmative—yeas 90, nays 26, as follows:

YEAS.—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, William Findlay, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Huley, Richard M. Johnson, James Kelly, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Edward Lloyd, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdin S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Allen, Archibald Van Horne, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Wynn.

NAYS.—John Campbell, Martin Chittenden, John Culpeper, John Davenport, jun., James Elliot, William Ely, Barent Gardenier, William Hoge, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Lee Livermore, Nathaniel Macon, Josiah Masters, Jonathan O. Mosely, Timothy Pitkin, jun., John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez

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Upham, Philip Van Cortlandt, David R. Williams, and Nathan Wilson.

*Resolved*, That the title be, "An act to authorize the President to employ an additional number of revenue cutters."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act farther to amend the judicial system of the United States;" to which they desire the concurrence of this House.

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The House resumed the consideration of the unfinished business depending yesterday at the time of adjournment—the report of the committee still under consideration.

MR. D. R. WILLIAMS said: It has become very fashionable to apologize to you, sir, for every trespass which a gentleman contemplates making on the patience of the House, and I do not know but in ordinary cases it may be very proper; but the present question is certainly such a one as exempts every gentleman from the necessity of making any apology whatever. I shall offer none, and for the additional reason, that I have given to every member who has spoken the utmost of my attention.

Upon this question, which presents itself in every point of view too clear to admit of a single doubt; equally unsusceptible of sophistical perversion or misrepresentation; a question which involves a political truism, and which is undenied; a debate has grown out of it, embracing the whole foreign relations of this country. I shall not attempt to follow the gentlemen in the course which they have pursued, but will confine my observations to a justification of the embargo, and to the proof, that the orders and decrees of the belligerents, and not the embargo, as was said by the gentleman from Maryland, (Mr. KEY,) have produced the present embarrassments. Bad as our situation was at the close of the last session, it has now become infinitely worse. The offer to suspend the embargo laws, for a suspension of the Orders in Council, made in a sincere spirit of conciliation, has been contemptuously rejected, those orders justified, and an extension of their operation threatened: this is a state of things insufferable. At a crisis of this sort, the importance of which every gentleman acknowledges, I deem it proper that every man who feels an ardent love of country should come forward to save that country, to rescue his sinking parent from the jaws of pollution. The effort should be, who shall render our common country the most good; who will be foremost in the ranks; we should not shrink behind the irresponsible stand of doing nothing, ready to raise ourselves upon the mistakes of others; perhaps, the virtuous misfortunes of our political brothers. I am willing to take my share of the responsibility of asserting the wisdom of the original imposition of the embargo, and the correctness of its present and future continuance. Gentlemen have been frequently called upon, while

they make vehement declamation against the embargo, to say what they wish in its stead; they declare the utmost hostility to the measure, and yet they offer no substitute. Can they for one moment forget, that upon this question as upon every other national subject, we must all hang together or be hung separate! It inevitably follows from the organization of our Government, that this is the fact.

I consider the original imposition of the embargo, as wise in a precautionary point of view; and notwithstanding all that has been said, and eloquently said, by the gentleman from Maryland, (Mr. KEY,) I believe it was called for by the most imperious public necessity. Every one must know, that had it not been for the embargo, millions of property, and (what is worse) thousands of our seamen, must have fallen a sacrifice to the cupidity of belligerent cruisers. No need of calculations on this subject—I shall not stop to enter into one. I appeal to the common sense of the nation and of this House, whether or not the orders and decrees were calculated to have swept from the ocean all our floating property and seamen. But, no, say gentlemen, the seamen are not saved; and here we are amused with the old story, new vamped, of the fishermen running away. The seamen gone, sir! This is a libel on their generous and patriotic natures. Where are they gone? Every man who ventures such an allegation, is bound to prove it; because it is, if true, susceptible of proof. Surely, sir, the assertion, or even proof, that British or other foreign seamen have left your service, does not establish that American seamen have deserted their country. The British seamen gone! I am glad of it, sir. I wish there had never been one in our service; and if there is an American tar who would, in the hour of peril, desert his country, that he would go also. The thing is impossible sir; every vessel which has sailed from the United States since the imposition of the embargo, has passed under such a peculiar review before the officers of the revenue, that had any number of American seamen shipped themselves, proofs of their departure might, and certainly would, have been had. Read the intelligence from Nova Scotia; it informs us that none but English sailors have arrived there. I call upon gentlemen then to show how, where, and when, an American seaman has left his country, except in the pursuit of his ordinary vocation.

If the gentleman from Maryland (Mr. KEY) will apply to his political—I beg pardon—to his mercantile barometer, the insurance offices, he would find that, after the operation of the Orders in Council was known, insurance could not have been effected at Baltimore to the Continent of Europe for 80 per cent., and not at London, on American property, for 90 guineas per cent. The proof of this is before me. Does not this prove that so much danger existed on the ocean that it was next to impossible to pass without seizure and condemnation? And surely

he will not contend that this advance of premium was caused by the embargo? If the embargo then has saved any thing to the country—and that it has there can be no doubt—exactly in the proportion that it has saved property and seamen to you, it has lessened the ability of the enemy to make war upon you, and what is primarily important, lessened the temptation to war. The rich plunder of your inoffensive and enlarged commerce, must inevitably have gone to swell the coffers which are to support the sinews of war against you. The reaction thus caused by the embargo, is in your favor, precisely to the amount of property and men which it has saved to you from your enemies.

But we are told that the enterprising merchant is deprived of an opportunity—of what? Of ruining himself and sacrificing the industry of others. Has any capitalist said he would venture out in the present tempest which blackens the ocean? No, sir, they are your dashing merchants; speculators, who, having nothing to lose and every thing to gain, would launch headlong on the ocean, regardless of consequences. No commerce can be now carried on, other than that which is subservient to the Orders in Council. I appeal to the gentleman from Rhode Island (Mr. JACKSON)—no man is better informed on this subject—would he venture his property on the ocean in a trade contravening those orders? I would ask him further, would Brown and Ives, merchants, as remarkable for their prudence as for their enterprise, and for their capital as either; would they send their vessels to the Continent of Europe? I believe their opinion would corroborate the opinion of Mr. Gray.

The mercantile distresses have been described, with every possible exaggeration, as insufferable. The real distress, sir, is quite sufficient, without any undue coloring. I regret extremely, indeed, sir, from my heart and soul, I lament that the embargo should be considered as falling heavier on the merchant than on the planter. If I know my own heart I would share with them to the last loaf. But compare their situation now with what it would have been if their whole property had been swept away. Compare their present situation with that which must have been the necessary consequence of the seizure of all the floating, registered tonnage of the United States, and which would have happened, but for the embargo. Their vessels are now in safety; if the embargo had not been laid they would have lost both vessel and cargo. They must have either imposed an embargo on themselves, or exposed their capital to total destruction.

Another reason why I approve of the embargo, and which, really to my mind, is a very consolatory reason, is, it has at least preserved us thus far from bloodshed. I am one of those who believe the miseries of this life are sufficiently numerous and pressing without increasing either their number or pungency by the calamities inseparable from war. If we had

put the question to every man in the nation, the head of a family, whether we should go to war or lay an embargo, (the only choice we had,) nineteen out of twenty would have voted for the embargo. I believe, sir, the people of the United States confiding their honor and national character to your guardianship, would this day decide the same question in the same way. The people have nothing to gain by war, nothing by bloodshed; but they have every thing to lose. From this answer results another, equally satisfactory; we are still free from an alliance with either of the belligerents. Upon a loss of peace inevitably follows an alliance with one of those two powers. I would rather stake the nation on a war with both, than ally with either. No, sir, I never will consent to rush into the polluted, detestable, distempered embraces of the whore of England, nor truckle at the footstool of the Gallic Emperor.

But the embargo has failed, it has been triumphantly asserted on one side of the House, and echoed along the vaulted dome from the other. If it has, it is no cause of triumph; no, indeed, sir; but it is a cause of melancholy feelings to every true patriot, to every man who does not rejoice in the wrongs of his country. Why has the measure failed of expected success? The gentleman from Maryland (Mr. KEY) used an argument incomprehensible to me, as an argument in his favor; on my side it is indeed invincible. He has established it was the evasion of the laws which prevented their being effectual. He tells you that certain evaders of the laws have so risen up in opposition to them, that the President of the United States was obliged to issue his proclamation in April last; that this proclamation told the British Cabinet the people had rebelled against the embargo—but I will pass over the subject; it imposes silence on me, because it must speak daggers to the hearts of some men.

My friend from Virginia (Mr. RANDOLPH) urged one argument against the embargo, which, to be sure, is a most serious one. He asked if we were prepared to violate the public faith? I hope not, sir. I beg to be excused for asking him (for I know he scorns submission as much as any man) if submission will pay the public debt? To that gentleman's acute and comprehensive mind, the deleterious consequences of the present system of the belligerents to our interests, must be glowing, self-evident. He will see that their present measures carry destruction to the most valuable interests, and are subversive of the most sacred rights of the people; and if they are submitted to, every thing dear to an American must be afflicted with the slow, lingering, but certain approaches of consumption. I had rather go off at once. I have no opinion of a lingering death. Rather than the nation should be made to take this yoke, if so superlative a curse can be in store for us, may the hand of Heaven first annihilate that which cannot be nurtured into honor. I had much rather all



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should perish in one glorious conflict, than submit to this, so vile a system.

But we are told; that the embargo itself is submission. Indeed, sir! Then, with all my heart, I would tear it from the statute book, and leave a blank page where it stood. Is the embargo submission? By whom is it so called? By gentlemen who are for active offence? Do these gentlemen come forward and tell you that that the embargo is submission? No such thing, sir. My memory deceives me, if any man who voted for the embargo thinks it submission. They are the original opponents of the embargo who call it submission, and who, while they charge you with the intention, are by every act and deed practising it themselves. It is incorrect, sir. Every gentleman who has spoken, and who has told you that the embargo is submission, has acknowledged the truth of the resolution under consideration; it has not been denied by a single individual. Suppose then we were to change its phraseology, and make it the preamble to a resolution for repealing the embargo, it will then read: "whereas the United States cannot without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain." Therefore resolved, that the embargo be repealed, and commerce with Great Britain permitted. Do these two declarations hang together, sir? That, because we cannot submit to the edicts of the belligerents, we will therefore open a free trade with them? The first part of the proposition is true, no man has denied it; the addition which I have made to it then, is the discordant part, and proves the embargo is not submission. I wish to know of gentlemen, whether trading with the belligerents, under their present restrictions on commerce, would not be submission? Certainly, sir. Is then a refraining from so doing, submission? In a word, is resistance submission? Was the embargo principle considered submission in the days of the stamp act? Did the nation call it submission when it was enacted under General Washington? Was it so considered by the Republicans, when resorted to for redress against the primary violations in 1793? Or was it ever contended that had not the embargo been raised, the terms of Jay's treaty would have been worse? Do gentlemen of the "old school" undertake to say that the Father of their country submitted then to George III.? I hope not, sir. If the embargo was not submission under George Washington, it is not under Thomas Jefferson. Again, I ask, were the principles of the embargo submission in 1774-'5-'6? But it has been replied, it is not meet that the remedies of that day should be applied to the present case. Why not, sir? The disease was the same; and lest gentlemen have forgotten what it was, I will tell them how the old Congress described it: "You exercised unbounded sovereignty over the sea, you named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade." Draw the parallel,

sir, and if the remedy of that period will not suit the present crisis, let us look out for others. I will not stop here; I am willing to go further; I would carry fire and sword into the enemy's quarters; but I would first exhaust every means to preserve peace.

You will excuse me, sir, for giving an opinion in this place, which, perhaps, some gentlemen may think does not result from the subject immediately before us. I will tell you what description of people in the United States are most anxious that the embargo should not be repealed. It is a new sect, sir, sprung up among us—ultra-federalists. They are the persons, in my belief, who are most desirous the embargo should be continued. They see that upon its removal a war with Great Britain follows. An alliance with her is the object nearest their hearts—not a resistance of the wrongs and insults practised by her. If this embargo be submission, if non-intercourse be submission, if a prompt preparation for war be submission, I ask them what is it to sit still and do nothing? Do you mean to submit? Come out and tell the nation whether you will or will not resist the Orders in Council—let us know it—it is desirable that we should know it—it will conduce to the public weal.

I, for one, sir, will vote to continue the embargo, because I do still consider it a coercive measure—as the most deadly weapon we can use against Great Britain. I am induced to consider it so, when I take a view of what is the nature of our products—what is the nature of her exports and imports—what is the nature of her wants, and what her capacity and means of supply. Look at the West Indies, where the embargo has a decided ascendancy over every other measure you can adopt. You will find that her colonial and navigation system has, in that quarter, never been maintained since the Revolution. Perhaps I ought, in presuming to speak further about the West Indies, to apologize to the gentleman from Maryland, (Mr. KERR,) not indeed for his very courtly conduct, because if a man is ignorant, he does not like to be told of it. The gentleman will be pleased to pardon me, if I blunder on in my ignorant way, and talk a little more of that part of the world. [Mr. KERR explained that he had not intended any reference to the gentleman from South Carolina in his remarks.] I am extremely obliged to the gentleman for his explanation. Entertaining great respect for his talents, I am happy to find, upon such authority, the charge is neither applicable nor intended. The colonial system has been always regarded as essential to all the vital interests of Great Britain. Every relaxation of that system has excited murmurs and great discontent in the mother country, and yet they have been constantly produced by the wants of the colonies. Would they have been permitted in favor of the United States, could those wants be supplied from any other quarter? I must contend, then, that their profitable existence depends upon an in-

tercourse with the United States, notwithstanding every thing which has been said to the contrary. I do not mean to involve the idea of absolute starvation; much less to insinuate that the embargo is so coercive as to humble Great Britain at our feet; far from it—but I do say, from the nature of their products, their profitable existence depends upon us. There are not contained within the whole British empire at this time, whatever they may have been previous to the American Revolution, supplies for the home and colonial consumption. Will gentlemen tell us from whence they are to procure the principal articles of provisions and lumber? I might rest the argument in safety on these articles alone; these are essential, and of our produce. All the evasions of the embargo have been made with a view to that supply; enforce it, and from whence will they procure the article of lumber? It bears a higher price and is more scarce in Great Britain, even in ordinary times, than in the West Indies. The opinion that Nova Scotia and Canada were adequate to that supply, has been long since abandoned. The articles of their produce require a constant supply of our materials, some of them cannot be procured from any other part of the world; of the lumber received, we have heretofore furnished ninety-nine parts out of one hundred. But we are told they can raise corn. Who denies it? I will grant to gentlemen all they ask on that point, and add, too, that their corn is actually more valuable per bushel than that of this country; but when their labor and industry is directed to that object, what becomes of their cotton, sugar, and coffee cultivation? What becomes of the immense revenues derived from those sources? Gentlemen must not forget that at least one-third of her revenue accruing from commerce, is derived from the West India trade alone. I do not know that I should be wrong, if I were to say from coffee and sugar only. If you drive them to the cultivation of corn for subsistence, they must necessarily abandon the cultivation of their most valuable staples. And do gentlemen believe Great Britain is willing to sacrifice all these considerations to a refusal to do you justice? We do not require justice, for all we ask of her is to abstain from plundering us. We say to her "hands off;" we wish not to come into collision with you; let us alone. These sacrifices will not be much longer hazarded, unless indeed she is deluded into a belief that she has sufficient influence, in this country, to excite disaffection and insurrection, and thereby remove the cause of pressure.

Another objection with me to removing the embargo is, it will betray a timid, wavering, indecisive policy. If you will study the sentiments contained in Mr. Canning's note, you will find they afford a lesson of instruction which you ought to learn and practise upon: "To this universal combination His Majesty has opposed a temperate, but a determined retaliation upon the enemy; trusting that a firm resistance

would defeat their project; but knowing that the smallest concession would infallibly encourage a perseverance in it." I beg the House to draw instruction from this otherwise detestable paper—it preaches a doctrine to which I hope we shall become proselytes. A steady perseverance in our measures will assist us almost as much as the strength of them.

I conceive the supplies necessary for the maintenance of the war with Spain and Portugal will fairly come into the calculation. It has become the duty and interest of Great Britain to maintain the cause of Spain and Portugal—she has made it so. Where will those supplies be drawn from? Does she produce them at home? Certainly not; for it cannot be forgotten that the average importation of flour alone at Liverpool is ninety thousand barrels annually. The Baltic is closed against her. The demand must be great; for Spain and Portugal in times of peace have regularly imported grain for their own consumption. And here I will observe, there is no attribute in my nature which induces me to take sides with those who contend for a choice of masters. So far as they are fighting for the right of self-government, God send them speed; but at this peculiar crisis I think it extremely important that our sympathies should not be enlisted on the side of either of the contending parties. I would, therefore, from Spain and Portugal withhold our supplies, because through them we coerce Great Britain.

But that pressure which Great Britain feels most, is most alive to, is at home. The last crop is short, and injured in harvesting; wheat is fourteen shillings the bushel, and rising. Her millions of poor must be supplied with bread, and what has become almost equally important, she must furnish employment for her laborers and manufacturers. Where can the necessary supply of cotton be procured? For, thank God! while we are making a sacrifice of that article, it goes to the injury of Great Britain who oppresses us, and whose present importation is not equal to one-half her ordinary consumption. If the manufacturer is to be thrown out of employ, till that raw material which is now the hypothesis of the day, is produced from Africa, the ministry who are the cause of it will not long rule the destinies of that nation. No, sir, I am not alarmed about supplies of cotton from Africa. Nor am I to be frightened out of the embargo by a fear of being supplanted in the market, from that quarter; they must be but little read indeed in political economy, who can dread a competition with barbarians, in the cultivation of the earth.

Another strong inducement with this House to continue and enforce the embargo is, that while it presses those who injure us, it preserves the nation in peace. I see no other honorable course in which peace can be maintained. Take whatever other project has been hinted at, and war inevitably results. While we can procrastinate the miseries of war, I am for procrastinating; we thereby gain the additional advan-

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tage of waiting the events in Europe. The true interests of this country can be found only in peace. Among many other important considerations, remember, that moment you go to war, you may bid adieu to every prospect of discharging the national debt. The present war of all others should be avoided; being without an object, no man can conjecture its termination; for as was most correctly observed by my friend, (Mr. MAON,) the belligerents fight everybody but one another. Every object for which the war was originally begun and continued to 1806, has since that time become extinct. The rupture in the negotiations of that day was made not on points affecting directly the British interest, but grew out of the indirect concern she felt in maintaining those urged by Russia, which Power, having since declared war against Great Britain, has obliterated the then only existing object of the war. Embark in it when you please, it will not procure you indemnity for the past; and your security for the future must ultimately depend on the same promises, which you can obtain by peaceable means. I have no disposition, sir, to hazard the interest of my country in a conflict so undefined, so interminable!

But, say gentlemen, it is certainly not submission to trade to those ports which the edicts of the belligerents have not prohibited us from trading with. Granted—I will not enter into a calculation on the subject, as to how much importance the trade would be of to us. The chairman of the Committee of Ways and Means has told you it would be contemptible in amount; but, sir, I say this, because I consider it expedient to continue the embargo, to withhold our supplies from those who need them, I will not permit you to go to those countries. Repeal the embargo in part! No, sir. Give merchants one single spot anywhere out of the jurisdiction of your own country, as large as the square of this House, and they would carry away the whole of our surplus produce. Give them a little island on which to place the fulcrum of their lever, and Archimedes-like, they will move your whole trade. Let them go to Demarara, to Gottenburg, or any other burg, and it is to the whole world. But the trade to Spain and Portugal has been held up as highly profitable to the merchants of the United States. The gentlemen who venture this opinion have not, perhaps, considered the subject with all the attention it is entitled to. It appears to me to be demonstrable from the documents, and the knowledge of circumstances which we possess, that Great Britain, with the extension of plunder the Orders in Council warranted, is not satisfied. She was not content that she had laid a snare whereby she intercepted our whole commerce to Europe. She then permitted us (no doubt from extreme moderation) to trade with the French colonies, taking care, at the same time, to force a direction of that trade in a channel which could not fail to yield a tributary supply to her exchequer. She has now

interdicted, by orders secretly issued, that commerce also. The language of Cochrane's proclamation cannot be misunderstood. What a harvest he would have reaped from the robbery of your merchantmen, had the embargo been raised, as was expected by the British Cabinet, at the commencement of the session. The Orders in Council would have taken all your property going to continental Europe, and those of the Admiralty would have swept the West India traders. I believe the idea of enjoying a free trade to Spain and Portugal is altogether illusory. Mr. Canning has told us, not *in to-tidem verbis*, but certainly in effect, that we should be permitted to trade with those countries, only under the Orders in Council. In answer to the proposition made by Mr. Pinkney to suspend the embargo as to Great Britain, for a suspension of the Orders in Council as to the United States, the British Minister replied in the most peremptory manner possible. Here let me observe, that had that suspension been agreed to, the embargo would have co-operated with the Orders in Council against France. It would have been even much more efficacious than those orders, inasmuch as our own regulations would have interdicted all commerce with France. The professed object of the Orders in Council, retaliation on the enemy, cannot therefore be real—they originated, as they have been executed, in a spirit of deadly hostility against us. That the operation of those orders would be extended to Spain and Portugal, should the embargo be repealed in part, I infer from this positive assertion of the British Secretary: "It is not improbable, indeed, that some alterations may be made in the Orders in Council, as they are at present framed; alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy." Here is not only a denial of suspension, but a threat that alterations will be made, (no doubt in tender mercy to us,) not to abate their spirit, but to adapt their operation more extensively to our ruin. What is the state of things alluded to? Let every gentleman who seeks after truth, candidly inquire for himself, what is the state of things which Mr. Canning considers has so fortunately grown up in Europe. Can it be any thing but the revolutions in Spain and Portugal? If the Orders in Council are not to be impaired, but their operation rendered more applicable to the present state of things, *a fortiori*, you are to be cut off from the South of Europe, in the same manner as you are from France and her dependencies. And are you ready to repeal the embargo under such a threat as this? This note, sir, is sarcastic to the last degree; in it I read insult added to the atrocious injuries my country has received; there is but one part of it which can be looked at with patience, and that is the valuable admonition I have read.

Some gentlemen have gone into a discussion of the propriety of encouraging manufactures in this country. I heard with regret the observations of the gentleman from Virginia on this subject. I will be excused by him for offering my protest against those sentiments. I am for no high protecting duties in favor of any description of men in this country. Extending to him the equal protection of the law, I am for keeping the manufacturer on the same footing with the agriculturist. Under such a system, they will increase precisely in that proportion which will essentially advance the public good. So far as your revenue system has protected the interests of your merchants, I am sincerely rejoiced; but I can consent to no additional imposition of duty, by way of bounty to one description of persons, at the expense of another, equally meritorious. I deplore most sincerely the situation into which the unprecedented state of the world has thrown the merchant. A gentleman from Massachusetts has said, they feel all the sensibility for the mercantile interest, which we feel for a certain species of property in the Southern States. This appeal is understood, and I well remember, that some of their representatives were among the first who felt for our distressing situation, while discussing the bill to prohibit the importation of slaves. I feel all the sympathy for that interest now, which was felt for us then; but I ask if it is not sound policy to encourage the patriotism of our merchants to support still longer the sacrifices, which the public exigencies call for, with spirit and resolution? If they should suffer most from our present situation, it is for their immediate advantage that we are contending. I must be allowed in continuation to say, that, although I do not profess to be one of the exclusive protectors of commerce, I am as willing to defend certain rights of the merchant, as the rights of the planter. Thus far I will go; I will assist in directing the physical strength of the nation to the protection of that commerce which properly grows out of the produce of the soil; but no further. Nor am I therefore disposed to limit the scene of his enterprise. Go up to Mocha, through the Dardanelles, into the South seas. Search for gums, skins, and gold, where and when you please; but take care, it shall be at your own risk. If you get into broils and quarrels, do not call upon me, to leave my plough in the field, where I am toiling for the bread my children must eat, or starve, to fight your battles.

It has been generally circulated throughout the Eastern States, in extracts of letters, said to be from members of Congress, (and which I am certainly sorry for, because it has excited jealousies, which I wish to see allayed,) that the Southern States are inimical to commerce. So far as South Carolina is concerned in the general implication, I do pronounce this a gross slander, an abominable falsehood, be the authors who they may. The State of South

Carolina is now making a most magnanimous sacrifice for commercial rights.

Will gentlemen be surprised when I tell them, South Carolina is interested, by the suspension of our trade, in the article of cotton alone, to an amount greater than the whole revenue of the United States? We do make a sacrifice, sir; I wish it could be consummated. I should rejoice to see this day all our surplus cotton, rice, flour and tobacco burnt. Much better would it be to destroy it ourselves, than to pay a tribute on it to any foreign power. Such a national offering, caused by the cupidity and oppression of Great Britain, would convince her she could not humble the spirit of freemen. From the nature of her products, the people of South Carolina can have no interest unconnected and at variance with commerce. They feel for the pressure on Boston, as much as for that on Charleston, and they have given proofs of that feeling. Upon a mere calculation of dollars and cents—I do from my soul abhor such a calculation where national rights are concerned—if South Carolina could thus stoop to calculate, she would see that she has no interest in this question—upon a calculation of dollars and cents, which, I repeat, I protest against, it is perfectly immaterial to her whether her cotton, rice, and tobacco, go to Europe in English or American vessels. No, sir, she spurned a system which would export her produce at the expense of the American merchant, who ought to be her carrier. When a motion was made last winter for that kind of embargo which the gentleman from Maryland (Mr. KAY) was in favor of; for he says he gave his advice to do that very thing, which if adopted would cut up the navigation interest most completely, (an embargo on our ships and vessels only;) South Carolina could have put money in her pocket, (another favorite idea with the gentleman,) by selling her produce to foreigners at enormous prices; her representatives here unanimously voted against the proposition; and her Legislature, with a magnanimity I wish to see imitated throughout the United States, applauded that vote—they too said they would unanimously support the embargo, at the expense of their lives and fortunes. She did not want an embargo on our ships, and not on produce. No, sir; she knows we are linked together by one common chain—break it where you will, it dissolves the tie of union. She feels, sir, a stroke inflicted on Massachusetts, with the same spirit of resistance that she would one on Georgia. The Legislature, the representatives of a people with whom the love of country is indigenous, told you unanimously, that they would support the measures of the General Government. Thank God, that I am the Representative of such a State, and that its representatives would not accept of a commerce, even at the advice of a gentleman from Maryland, which would profit themselves at the expense of their Eastern brethren. Feeling these senti-

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ments, I cannot but say, in contradiction to what fell from the gentleman from Virginia, (Mr. GHOLSON,) I should deplore that state of things which offers to the merchant the lamentable alternative, beggary or the plough. I would say to the merchant, in the sincerity of my heart, bear this pressure with manly fortitude; if the embargo fails of expected benefit, we will avenge your cause. I do say so, and believe the nation will maintain the assertion.

It is with reluctance I feel compelled, before I resume my seat, to make a few observations in reply to what fell from the gentleman from Maryland (Mr. KEY) yesterday. The gentleman commenced his address by contradicting the statements made by a gentleman from Massachusetts, and my worthy friends from Virginia and Georgia, (Messrs. RANDOLPH and THOMAS.) He told you their districts could not feel the embargo most, as it was in his the sufferings were most severe. I shall not waste the time of the House by an inquiry into the truth of this assertion; nor, sir, will I enter into a competition of this sort. I aim at a distinction far more glorious. The State I represent in part, bears the embargo the best. This it is my pride to boast of. There, sir, there are no murmurs, no discontent at the exertions of Government to preserve the rights of the nation. And as long as respect for the honor, and a hope of the salvation of the country exists, so long will they bear it, press as hard as it may.

The gentleman told you, in speaking of the Maryland elections, that the film is removed from the eyes of the people, and that in discerning their true interests, they saw it was the embargo, and not the Orders in Council, which oppresses them. He must feel confident indeed in the knowledge that he is two years in advance of his constituents, or he would not have ventured such an assertion. [Mr. KEY explained that he had said the film was removed, and the people saw that their distress arose more from the embargo than from the Orders in Council.] Mr. WILLIAMS continued: I have no intention to misrepresent the gentleman, but I understood him to say that the Orders in Council did not affect the continental market, but the Berlin decree; that the embargo caused all the pressure at home; that the Orders in Council had no part in producing that measure, and therefore I infer as his opinion, that the Orders in Council have not injured us. [Mr. KEY said that the few observations which he had made on this subject, were in reply to the gentleman from Tennessee, (Mr. G. W. CAMPBELL,) that the people should be no longer deluded. In answer to this Mr. K. said he had observed that the people were not deluded—that the film was removed from their eyes, and that he then had gone on to show that the depression of produce arose from the embargo. But that he never had meant to say that the Berlin decree and Orders in Council were not injurious, because they lopped off a large portion of our commerce.]

I understood the gentleman to say (observed Mr. W.) that it was very strange we would not trust our merchants upon the subject of the embargo, who were the best judges. I wish to represent the gentleman's sentiments correctly, and shall not consider him impolite, if I have misstated him, should he again stop me. Why, sir, is it strange? Are the merchants the guardians of the public honor? This I conceive to be the peculiar province of Congress, because to it alone has the constitution confided the power to declare war. Will the gentleman trust the merchants with the guardianship of his own honor? No, sir, he chooses to protect it himself. And would he advise the nation to pursue a course disgraceful, and to which he would not expose himself? I will not trust the merchants in this case, nor any other class of men; not being responsible for the national character, they will trade anywhere, without regard to principle. So true is this, Desalines felt no uneasiness when informed of the law prohibiting all intercourse with St. Domingo; he replied, "hang up a bag of coffee in hell, and the American merchant will go after it." I am not sure that, in the evasions of the embargo, some of them have not already approached near its verge: certain I am, that, in a fair commerce, such is the enterprise and perseverance of their character, they will drive their trade as far as it can be driven. No, sir, I will not trust the merchant now, because he would do the very thing which the gentleman seems to wish, trade under the Orders in Council.

The embargo should be removed, because, says the gentleman, it has operated as a bounty to the British trade. I should be disposed to doubt this, if for no other reason than a knowledge of who advocates its removal. Before the embargo was laid, agricultural labor in the British West India islands, particularly on sugar estates, could scarcely support itself. I refer the gentleman to the documents printed by order of Parliament, and the memorials of the agent of Jamaica. He will find that the planters are in a distressed situation, not from their failure in the cultivation of the soil, but from the enormous duties on their produce in the mother country. Are the extravagant prices of articles of the first necessity, superadded to their former embarrassments, to operate as a bounty on their trade? I should be extremely gratified if the gentleman will inform us what would have been the amount of bounty on the trade, if evasions of the embargo had not taken place. If the price of flour has been sixty dollars per barrel, and other articles in proportion, what would have been the price had there been no evasions of the law? They could not have been procured at all: and yet we are told the embargo is a bounty on British trade! When the gentleman was, I had like to have said, justifying the Orders in Council, he should have favored us with a vindication of the *smuggling* proclamation also. Such a degree of corruption and of immorality never before, in any

one paper, disgraced a civilized nation. The citizens of a country, at peace and in amity, enticed to evade their own laws! Is such an act calculated to induce the belief that the embargo operates as a bounty on British trade?

I shall not enter upon another question stirred by the gentleman, the constitutionality of the embargo law; the subject has become so stale, that even he could scarcely make it interesting. It has been laid asleep—a solemn adjudication has taken place and put it at rest. But the gentleman will excuse me for observing he made a most unfortunate allusion in the course of his argument. He said it was strange that, not having the power delegated to us to tax exports, we should undertake to prohibit them. The Orders in Council, which if the gentleman did not justify, he was certainly very tender of, do exercise that very power of taxing our exports, which by the constitution we are prohibited, and that too when they are destined to a government equally sovereign and independent with that of Great Britain.

We have been referred by the gentleman to the history of the Revolution, and after a kind of encomium on the resources of Great Britain, the triumphs of her navy and her present imperious attitude, he demanded to know if we can expect she will yield to us now, when during the Revolution she maintained a war against the whole world, at the same time that she kept us at bay seven years and succeeded with every nation but her own sons—will she truckle at our feet now? The gentleman knows we do not seek to make her truckle at our feet; we wish her no injury; we ask of her no boon whatever; we only entreat her to let us alone; to abstain from wanton, unprovoked acts of oppression. What is the object of this language? Is it to tell us she never will redress our wrongs; or is it to divert us from a prosecution of our rights? The contest was very different with her at that time from what it is now. She then contended against the dismemberment of her Empire. Will the gentleman say she values the principles of the Orders in Council, as she did the sovereignty of her colonies? What will the gentleman discover, by examining the history of the period he referred to? England, at that time, when France, Spain, Holland, and the United States, were opposed to her, when the armed neutrality in the north of Europe assailed her, when all these brought the principle of embargo to bear upon her, was nearer ruin than she ever was before or since. I refer him to Playfair's tables for the year 1781; there he will find the very principle proven, for which we are now contending. Does Great Britain now prize the plunder of your merchantmen, the impressment of your seamen, insult to your national flag, as much as she did the sovereignty of the soil? Certainly not; and yet she must, precisely the same, or she will not hold out now as she did then. When I recollect that her necessary annual expenditure is greater than the gross rent of all the landed property in her king-

dom; that the armed neutrality affected her so materially, that the same principle is brought into operation again; that by withholding our custom, our supplies, our raw materials, we must necessarily destroy a large portion of her revenue, I cannot but hope she will see her own interest in redressing our injuries. This is all we contend for, allow the experiment to be made; if not, at least propose some better remedy.

But said the gentleman, at the close of the Revolutionary war we alone triumphed over the arms of Great Britain; defeat befell all the rest of the world. I will not contest that point with him, as he is old enough to speak from experience.

We were informed by the gentleman, that it was the Berlin decree, and not the Orders in Council, had destroyed our trade to the Continent of Europe. Here too we are directly at points. The gentleman has not made himself master of his case, or has totally mistaken his evidence. I hold a document in my hand which, perhaps, the gentleman may object to, as coming from the opposition party in Great Britain; it is the depositions of sundry merchants of great wealth and respectability, taken before the British House of Lords, on the subject of the Orders in Council. Here Mr. W. read from the depositions the following questions and answers:

"If the American embargo were removed, and the Orders in Council still continued in force, in that case would the witness resume his shipments?"

"To a very small amount."

"For what reason?"

"Because I do conceive, that there would be such great impediments, indeed a total annihilation of trade from the United States of America to the Continent of Europe, that I could not expect to receive any returns for the goods I sent out; and another reason would be my apprehension that a war between the United States and this country would be the consequence of those Orders in Council."

"What is the reason that the Orders in Council prevent the witness sending our cotton goods in ships in ballast?"

"I believe I stated my apprehension that they might produce a war between the two countries; another reason was, I could not expect to get remittances, and a total annihilation of the trade between the United States of America and the Continent of Europe, from whence a great part of my remittances must be derived."

"If the American embargo in general were taken off, and the Orders in Council to be continued, would his trade in that case revive?"

"I certainly should feel no inducement to export goods to America while the orders continued."

"Why not?"

"I should apprehend that hostilities between this country and America would be the consequence of continuing the Orders in Council."

"Would the Orders in Council have any other effect as to discouraging the trade?"

"They would have considerable effect in regard to our remittances."

"In what manner?"

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"By bringing all the produce of America to this country, they must occasion such a vast glut in the market, that the produce would be worth little or nothing.

"In what degree would it affect the dealers in those commodities brought to this country, as to their remittances to this country?

"The consequence I apprehend would be, that great parts of the bills must go back protested; because the produce, for which the bills are drawn, would sell for scarcely the value of the freight and charges.

"Does the witness conceive, from his knowledge of the American trade, that if the whole of the American produce, which according to an average of years had been carried to the Continent of Europe, and to Great Britain, was now to be imported into Great Britain alone, and the Orders in Council to continue; whether it would be possible to export from Great Britain to the continent, so much of the American produce as should prevent a glut of the American produce remaining in the market?

"I think it would be impossible.

"Have you lately written to your correspondents in America respecting shipments of American produce to this country?

"I have.

"To what effect have you so written?

"I have written that in case of submission to these Orders of Council, in case such a thing should take place, to suspend all operations.

"Did you give this advice to your American correspondents, upon the supposition that America would acquiesce in the Orders in Council?

"Certainly not, I stated it as a thing by no means likely; but, as there is nothing impossible in this world, that if it were so, not to move; that in case they were acquiesced in, not to attempt any business."

Considering (continued Mr. W.) these are the sentiments (delivered under the sacred obligation of an oath) of that very description of men who the gentleman believes are the best judges and ought to be trusted, I am warranted in saying, they prove his position wholly unfounded. The gentleman's project last year was to lay the embargo on our ships and vessels, and to dispose of our produce, the effect of which would have been destruction to our own vessels, constant encouragement to those of Great Britain. I beg him to remember, that if two or three years hence, he should not stand as high with the American merchants as he could wish, it may be fairly attributed to this friendly protection of their immediate interests, which he would have extended to them.

The gentleman was equally unfortunate in saying, the destruction of St. Domingo had caused such a demand for sugar, that the cultivation of cotton in the British West India islands had been abandoned; he is not well versed on the subject, the fact not being as he has stated it. However great an impetus the destruction of St. Domingo may have given to the cultivation of sugar and coffee, in the British West Indies, it certainly had no effect in any way on that of cotton, the quantity of that article formerly exported from thence being too small to have any influence whatever. Our

cotton will never be supplanted from that quarter. Could the sugar estates be converted to cotton plantations, so depressed has been their situation, that conversion would have been long since effected. Nor, sir, is it true that the cultivation of cotton in the British West India islands has been abandoned; on the contrary, it has been regular though slow in its increase, compared with that of coffee. Crops of that kind are frequently precarious, owing to a natural enemy of the plant in those islands, and therefore the cultivation has not kept pace with the demand.

I heard the gentleman with pain and mortification, I repeat it, with pain and mortification I heard him declare that nations like individuals should pocket their honor for money. The act is base in an individual, in a nation infinitely worse. The gentleman was corrected by his colleague (Mr. NELSON) on this subject. He evidently, to my apprehension, expressed an opinion, that money was to be preferred to honor. He told us that honor in arbitrary governments was identified with the monarch, who went to war for his mistress; that in republics honor consisted in the opportunities afforded to acquire wealth, and by way of illustration said, we pocketed our honor for money in paying tribute to the Barbary Powers, for the security of a paltry trade. Does the gentleman mean to assimilate a tribute exacted by Great Britain with that paid to Algiers? Or does he mean to be understood as advising us, because we purchase peace with barbarians, involving no honorable consideration, to barter for a pecuniary reward, with Great Britain, our rights, our honor, and our independence? Detestable as this inference is, it results from his arguments. Repeal the embargo, throw open your trade to Great Britain; you can put money in your pocket by it. I want no substitute. Sir, if my tongue was in the thunder's mouth, then with a passion would I shake the world and cry out treason! This abandonment of our rights, this sacrifice of our independence, I most solemnly abjure. Astonished indeed am I, that a gentleman so eloquent, so well qualified to uphold the honor and dignity of his country, should so abandon them! Is it possible such doctrine should be advocated on the floor of Congress? Has it come to this? Was it for this the martyrs of the Revolution died? Is this great continent and the free millions who inhabit it, again to become appendages of the British Crown? Shall it again be held in its orbit by the attractive, the corruptive influence of the petty island of Great Britain? No. Sooner may you expect the sun with all the planetary system will rush from their shining spheres, to gravitate round a pebble. Remember, sir, it is no longer a contest singly about the carrying trade, or the impressment of seamen, or the insult to the national flag, but all united with the rights and attributes of sovereignty, even to the violation of the good old United States. You stand on the verge of

destruction, one step, one movement backwards will stamp your character with indelible disgrace. You must now determine whether you will maintain the high station among nations, to which the virtues, the spirit of the people have elevated you, or sink into tributary vassalage and colonization. By all your rights, your duties, your awful responsibility, I charge you "choose ye this day whom ye will serve; but as for me and my house, we will serve the Lord."

Mr. CULPEPER spoke in opposition to the report.

Mr. COOK moved to adjourn. Mr. J. G. JACKSON called for the yeas and nays on the motion; but a sufficient number did not rise to justify the taking them. Motion to adjourn negatived. Mr. COOK renewed the motion, observing that he had some remarks to make, which might occupy the House some time.—Carried, 54 to 50, and the House adjourned.

#### SATURDAY, December 10.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill supplementary to the act, entitled "An Act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia;" which was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act further to amend the judicial system of the United States," was read twice, and committed to Mr. MARION, Mr. HOLLAND, and Mr. KELLY, to consider and report thereon to the House.

Mr. NELSON, from the committee appointed the eleventh ultimo, on so much of the Message from the President of the United States as relates to the Military and Naval Establishments, presented a bill authorizing the appointment and employment of an additional number of navy officers, seamen and marines; which was read twice, and committed to a Committee of the Whole on Monday next.

#### Foreign Relations.

The House again proceeded to the consideration of the first resolution of the report made by the Committee of Foreign Relations.

Mr. COOK addressed the House at considerable length.

Mr. R. JACKSON said: Mr. Speaker, not having been in the habit of public speaking, it is with great diffidence I rise, to make any observations on the resolutions now under consideration, after so much has been said upon the subject. But, sir, knowing the deep stake that the portion of citizens which I have the honor to represent, and the United States at large, have in the present embarrassed state of our political affairs, was I to remain silent, sir, I should feel as if I was guilty of treachery to their interests. I shall not attempt to follow gentlemen in their arguments who have gone before me in the debate, but confine myself to

making such observations on the resolutions and the state of our political affairs, as appear to me to be necessary and proper. By the first resolution we are called upon to declare "that the United States cannot, without a sacrifice of their rights, honor and independence, submit to the late edicts of Great Britain and France." Why we are called upon to make this declaration, I cannot conceive. I do not see the use of it, unless it is considered by the committee as a kind of test act, which they think ought to be administered to every member of the House to ascertain whether they are of sound principles or not. I do not like such abstract propositions; I think them useless, as nothing can come from them in a legislative way; no bill can be formed from it; however, I do not see anything at present to prevent me from voting for it. By the second resolution we are called upon to declare "that it is expedient to prohibit, by law, the admission into the ports and harbors of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerents having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise, the growth, produce, or manufacture of the dominions of any of the said powers, or imported from any place in the possession of either."

Here, sir, I shall take the liberty to dissent from the committee, for I do not think it to be expedient to join them in such a resolution as this. For I would ask, what are we to promise to ourselves from such a system as this; what will be the probable effects of it? Will it compel the great belligerent Powers to do us justice for past injuries and secure us for the future? If I thought it would, I would most cheerfully vote for it. But, sir, I have no reason to suppose it will, for we have now had considerable experimental knowledge of the effects of the embargo system, both as it respects ourselves and foreign powers, and we have found from experience, that, as a coercive measure, it has had no effect. It has not compelled France or England to do us justice, or to rescind their unlawful edicts and decrees, issued against neutral commerce. And those nations having now experienced the effects of the embargo for nearly one year, whatever alarm it might have given them, when first laid on, that alarm has ceased. And we have it from high authority, that France cares nothing about it, and that in England, owing to the great events now passing in Europe, it is forgotten. And shall we still, with all this information and experience, adhere to this system, and still think we can legislate France and England into a committance to do us justice, and bring them to the bar of justice in this way? Far be it from me to censure any one for the part they have taken in endeavoring to maintain the rights of our country, and giving security



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to the interest of our citizens. But, sir, I think, in the business of legislation, that the same line of conduct ought to be pursued, that we would pursue in the common and ordinary proceedings of life; for should any of us undertake to do any thing, suppose it be to get a vessel afloat that had been stranded, and the means employed were totally inadequate to its accomplishment, should we not abandon those means and try some other? We have tried the embargo, and found it altogether ineffectual, and we have no reason to suppose, that by a further continuance of it, it will answer any of the purposes for which it was intended.

I will now take some view, as it appears to me, of what has been, and will be the effect of the embargo, if continued, as it respects ourselves. The burden of it has already been very great, on a large proportion of our citizens. It has been grievous, and very sore. For how otherwise can it be, when we consider that all the navigation business, from one end to the other of these United States, is totally stopped, excepting a small remnant of our coasting trade, and that remnant under very great embarrassments; and all that numerous class of our citizens, dependent on commerce, deprived of their usual means of gaining a livelihood, and in consequence thereof thousands of them have been obliged to live on their former earnings, and consume that little property they had treasured up for their future support? And if the embargo is continued, the inevitable consequence must be, bankruptcy to many of our merchants, and absolute distress, misery, and want, to a large proportion of our citizens who live in the seaport towns, and great embarrassments to all classes of citizens throughout our country. And if this system is continued, we must incur the hazard of having civil commotions in our country, for experience has proved, that when great distress prevails among the people, and that distress arises from political measures, which the people are divided in sentiment upon, the hazard is very great that civil commotions will take place. Some gentlemen have undertaken to show how much we have already lost by the embargo. But I shall not go into any calculation of this sort, for I am convinced that it defies calculation; it is impossible to follow it into all its turnings and windings. It is enough for me to know that the loss is immense, and that we have received such a shock by it, that it will require a long time to come, to recover from it. Gentlemen have also endeavored to point out such parts of the Union as they think are suffering the most by the embargo. There is no doubt but that it does bear harder upon some portions than on others, and that it is unequal in its operation. But, sir, my idea is, that it bears the hardest upon that part of our citizens where they are the most dependent on commerce for their living; and this being the case, in nearly as great a degree, perhaps, with the citizens of Rhode Island as in any part of the Union, it

follows that my constituents are suffering as much as any portion of the United States.

But, sir, its pressure is upon the whole country, and it carries misery throughout our land; and if continued, the distress occasioned by it must still be much greater than it has been, and will become intolerable in some parts of the Union, and the consequences may be dreadful to the nation. And as to its effects on France or England, for myself, I am of opinion, that the Emperor of France and King of Italy is well pleased with it, for, as it is observed by Mr. Canning, "it certainly comes in aid" of his grand design of destroying the commerce of the English, and trying to give that nation the consumption of the purse; and, until he is satisfied with that speculation, he will wish us to keep on the embargo. And since Spain and Portugal have refused any longer to be under the control of Bonaparte, and have bid him and all his hosts defiance, and have connected themselves with the English, I believe the English care nothing about the embargo, but would give us their free leave to keep it on forever; for, sir, it gives the greatest activity to their colonies of Canada and Nova Scotia, and must be the means of increasing their settlements with astonishing rapidity. Experience has already proved to them, that their colonies in the West Indies can be maintained without us, and Spain and Portugal and their colonies having become open to them, to vend their manufactures, and with what can be smuggled into the continent and into our country, in spite of all the laws that can be made against it, will furnish them market enough; and our navigation being all laid up, and out of the way, their ships will obtain great freights from Spain and Portugal to the colonies, and from the colonies back to the mother country; and in consequence of our retiring into a state of dignified retirement, as it has been called, they will have nearly the whole trade of the world in their own hands. And it appears to me, sir, in every point of view that I can place the subject, if we continue the embargo, it will operate to distress ourselves a hundred times more than it will anybody else. I will now, as I have heard the call so frequently made, that, if you do not like this system, point out a better, and if it appears so, we will adopt it—I will, therefore, point out what appears to me a better line of conduct for the United States to pursue, and if I am so unfortunate as not to find a man in this House of my opinion, I cannot help it, for I feel myself constrained, from a sense of duty to my suffering constituents, to inform this House and the nation, that I wash my hands of it, and protest against it. I therefore, sir, with great deference to superior abilities, propose that the law imposing an embargo on all ships and vessels of the United States, and all the laws supplementary thereto, be immediately repealed, and that we authorize our merchants to arm their vessels, under proper regulations, in defence of our legitimate and lawful commerce; that the Government from

time to time afford the commerce of the country such protection as may be found necessary and prudent. If this was done, I have no doubt but that the citizens of the United States would soon be relieved from their present embarrassments and distress. This, sir, would produce a circulation in the body politic, our planters and farmers would immediately find a sale for their surplus produce, our merchants would find employ for their vessels, and all that numerous class of citizens who have heretofore been engaged in the active and busy scenes of commerce, would again find employ in our seaports. In lieu of beholding dismantled ships covered with boards and mats, we should see in them spars and rigging aloft, and the ports whitened with their sails, and again hear the cheering sound of industry. But it has been said that if the embargo was removed and our merchants should send their vessels to sea, most of the property would be taken by one or other of the great belligerent powers, and thus be lost to our country; and that we have so little trade left that it is not worth our notice. But let us examine this, and see if it be so. Could we not, sir, in the present state of the world, trade to England, Scotland, and Ireland, to Sweden, Spain, and Portugal, to some of the islands in the Mediterranean, and some of the Turkish ports on that sea; to nearly all the ports in the East and West Indies, to both sides of the continent of South America, and some other places, and have the obstruction occasioned by the embargo laws removed from our own coast? Is all this trade of no importance to trading people? Gentlemen have gone into statements to show, from our former trade, how much of our domestic produce could be exported to the different parts of the world, under the present embarrassments, occasioned by the great belligerent powers; but for myself I put no confidence in such statements. I consider trade may in some measure be compared to water; if the channel it has been used to run in becomes obstructed, it will find new channels to vent itself in. For instance, sir, suppose we should adopt the resolution offered by the gentleman from New York (Mr. MUMFORD). He mentioned that we could trade to the little Swedish island of St. Bartholomews, in the West Indies. Now suppose we should look over our former exports to this island in any one year, what should we find the amount to be? I do not know, sir, perhaps one hundred thousand dollars, but double, triple it if you please, and what comparison would it bear with the amount that would be shipped there under his system? Would it not immediately become a distributing point for the whole of the West India Islands, and the amount increased to an astonishing degree, when compared with what used to be exported there? And so it would be in other parts of the world. The articles will go where they are wanted, in a greater or less degree; and if they cannot be carried directly, they will find their way in an indirect manner. And as to the danger of the property being captured

and confiscated, I think our merchants and underwriters are the most competent to judge of that. They do not wish the Government to become guardians for them in this respect. All they wish for Government to do is to let them manage their own affairs in their own way; and the Government to afford the commerce of the country as much protection as shall be for the real interest of the whole nation. Have we not seen, in the summer past, with what eagerness the merchants in the United States availed themselves of the special permission granted to fit their vessels in ballast, and go abroad to collect debts? And was not every old and obsolete claim hunted up that existed in the country, to make out the amount necessary to avail themselves of this permission? Is not this proof that the merchants did not consider the risk very great? And were not several hundred sail of vessels fitted out under this permission; and have they not nearly all returned back to the United States in safety? Many of these vessels were insured to the West Indies, out and home, at premiums of about eight and nine per cent., and this in the midst of the hurricane season. This proves that the underwriters did not estimate the political risk at more than two or three per cent., for the natural perils in time of profound peace would be considered equal to six per cent. And the calculation of the underwriters has proved correct, for they have made money by the business. And was our embargo removed, I am of opinion that the premiums of insurance would not be more than six or seven per cent. to any port in Great Britain, and about the same to Spain and Portugal. This, if correct, proves that the political risk is not considered to be very great by those who are the best judges of it. But, sir, it appears to me there are many gentlemen in this House who think it will not do to trade, until all political risk is removed out of the way. If we wait for this, we shall never trade any more, for the natural perils of traversing the ocean always exist, and always remain nearly the same, allowing for the variation of the seasons. And the political perils always exist, but they vary according to the state of political affairs among the nations of the world. But, sir, I have repeatedly heard it said, and the same thing is expressed in the report of the committee, that our situation is such, that we have no other alternative than a war with both Great Britain and France, submission, or a total suspension of our commerce.

The committee have, sir, after a long statement, brought our affairs up to this point, and I do not like any of the alternatives out of which they say we must make a choice, for I do not believe that we are reduced to this dilemma; and I will not agree to go to war with both England and France, nor will I agree to submit, or to totally suspend our commerce. But I will agree to give our merchants liberty to arm their vessels, under proper regulations, in defence of our legitimate commerce, and leave it to them

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to send their vessels for trade where they please; and if any of them are so unwise as to trust their property to France, or to any ports in Europe where the French control, let them fight their way there if they choose. I see no other course, sir, that we can pursue, that will be so much for the interest and honor of our country, as the one pointed out. The American people are a cool, calculating people, and know what is best for their interest, as well if not better than any nation upon earth, and I have no idea that they will support the Government in a ruinous war with England, under the present existing circumstances, nor in measures depriving them of all trade and commerce.

Mr. MUMFORD then offered a few observations in answer to the remarks of Mr. GHOLSON of Virginia. During the discussion, six different motions were made for an adjournment, the last of which, offered by Mr. GARDENIER, was carried—yeas 58, nays 48.

TUESDAY, December 13.

On motion of Mr. THOMAS,

*Resolved*, That a committee be appointed to inquire into the expediency of dividing the Indiana Territory; and that they have leave to report by bill or otherwise.

*Ordered*, That Mr. THOMAS, Mr. KENAN, Mr. BASSETT, Mr. TAGGART, and Mr. SMITH, be appointed a committee pursuant to the said resolution.

On motion of Mr. THOMAS, the resolutions of the House of Representatives of the Indiana Territory, which were read and ordered to lie on the table on the fourteenth ultimo, were referred to the select committee last appointed.

Mr. MARION, from the committee to whom was referred, on the tenth instant, the bill sent from the Senate, entitled "An act further to amend the Judicial System of the United States," reported the bill to the House without amendment: Whereupon the bill was committed to a Committee of the Whole to-morrow.

The bill sent from the Senate, entitled "An act for the relief of Andrew Joseph Villard," was read twice and committed to a Committee of the Whole to-morrow.

On motion of Mr. ALEXANDER,

*Resolved*, That a committee be appointed to inquire whether any, and if any, what farther provision ought to be made by law, prescribing the manner in which the public acts, records, and judicial proceedings of one State, shall be proved and given in evidence in another State, and the effect thereof; and that they have leave to report by bill or otherwise.

*Ordered*, That Mr. ALEXANDER, Mr. DAVID R. WILLIAMS, Mr. JOHN G. JACKSON, Mr. KEY, and Mr. QUINCY, be appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplemental to an act entitled 'An act for extending the terms of credit on

revenue bonds, in certain cases, and for other purposes;" also, a bill, entitled "An act to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall;" to which they desire the concurrence of this House.

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The following is Mr. GARDENIER's speech entire:

Mr. Speaker: I had intended to defer the delivery of my sentiments upon the second resolution, until that resolution should come before the House. But the course which the debate has taken, has produced a change in my original intention.

That the first resolution is an unnecessary one, because no clear, definite, practical results can flow from it, appears to me self-evident. Are the people of this country suspected of an intention to abandon their rights or their independence? Indeed, sir, they are not. Why then is it, that we are called upon to make a new declaration of independence? Or was the Administration conducted in such a manner as to make the firmness and patriotism of the nation itself doubted abroad? Even I, sir, who am not suspected of a blind confidence in our rulers, will not advance such a charge.

The true question is not, Is the matter expressed in this abstract proposition true? But, Is it necessary that a resolution containing it should be passed by this House? I agree with the gentleman from Tennessee (Mr. CAMPBELL) that it would be no less ridiculous to pass this resolution than to pass one that the sun shines. Allowing both to be true, both are equally unnecessary to be embodied in a resolution of this House. Begin this system of abstract legislation, and where are you to stop? Sir, it partakes too much of the character of disturbed, revolutionary times. To such a blasphemous height was this notion of voting abstract propositions, or declarations, or truisms (call them what you will) carried at one time in France, that their Convention very gravely decreed "that there was a God!" This was a self-evident truth; and being so could not become more so by being decreed. And if the edicts of Great Britain and France go to the destruction of our "rights, honor and independence," our voting that such is their operation, makes it neither more nor less true.

But, it is said, a select committee have placed the resolution before us, and we are bound to vote whether the assertions it contains are true or false. Why, sir, if I should offer a resolution that at this moment the sun shines, and some one should second me, would it be contended that this House ought gravely to proceed to the question? and if any member should say, "I vote against this resolution because it is too true to be made more so; and because, therefore, I think it unnecessary to be passed," that he, sir, should be considered blind?

Again, gentlemen, some too with whom I am in the habit of acting, say, at the worst, the res-

olution is harmless—it ties you down to no specific course, and therefore you may as well vote for it; that to vote against it, will afford a handle against our popularity—that the resolution itself is an artful one—a trap set to catch the Federalists, as it will hold them up to suspicion, if they vote against it—for the vote will appear upon the Journals, when the argument is not to be found there. Well, sir, if it be in truth a trap to catch poor Federalism in, I, for one, sir, am willing to be caught. I never deceived the people whom I have the honor to represent, either by giving a vote to the propriety of which my judgment was opposed, or by professing opinions which I did not entertain; and, sir, I trust in God I never shall. The applause of my constituents is dear to me. But I would rather strive to deserve it—than, not deserving it, to receive it. Yes, sir, my course shall be always a plain one—a straightforward course. I have not acquired the confidence of my constituents by increasing their delusions. I have always labored to disperse them. At my first election to this House, a decided majority of them were opposed to my politics. The thought has often distressed me. But the cause of that distress exists no longer. And, therefore, sir, I will go on discharging my duty with the most scrupulous obedience to my judgment, and where the weight of a hair ought to turn the scale, it shall turn it.

But if I had no other objection against this abstract “harmless” resolution, there is one which would be decisive: I would reject it on account of “the company it keeps.” The committee, for reasons which I shall not stop to disclose, have thought it important to introduce this, by way of propping the second one. That second one, sir, the undoubted object and inevitable tendency of which my whole soul recoils from, which I abhor and deprecate, as fatal to the prosperity and happiness of my country—as the grave of its honor—and I fear I do not go too far when I add, of its independence! that resolution is not alone submission to France; but, under the pretence of resisting her infractions of the laws of nations, her violations of the sacred rights of hospitality, her laughing to scorn the obligation of treaties—it makes us submit to all—to encourage a perseverance in all. Nay, sir, it throws the whole weight of our power into her scale, and we become not only the passive, but, to the whole extent of our means, the active instruments of that policy which we affect to abhor. This, sir, unhappily, is capable of the most clear demonstration; and, in the proper place it shall appear so. I enter now upon the discussion of the second resolution. And although I am aware how little professions of sincerity and embarrassment are generally regarded, and, indeed, how little they ought to be regarded, yet I cannot approach this awful subject without declaring that I feel as if I was about to enter the sanctuary of our country’s independence; and I tremble with the same fearful distrust of my powers, the same distress-

ing perplexity which would embarrass me if I had entered the labyrinth in which was concealed the secret of that country’s honor, prosperity and glory. I do feel, sir, that we should enter upon the discussion of this question divested of all the prejudices and passion of party—no less than all foreign predilections and animosities—with clean hearts, sir; yea, hearts seven times purified, to prepare them for the discharge of the sacred, the holy duties of this awful crisis. He who can come to this debate with other motives than to save his country, placed as it is on the brink of a dreadful precipice, deserves to be heard nowhere but in the cells of the Inquisition. The sound of his voice should never be suffered to pollute the Hall of the Representatives of the American people. But he who, thinking that he has traced the causes and the progress of our misfortunes, and that he may, perhaps, point the nation to a path which may lead it back to the prosperous position it has been made to abandon, would be a traitor to the State, if any considerations could keep him silent.

In my view, sir, we have gone on so long in error—our affairs have been suffered to run on, year after year, into so much confusion, that it is not easy to say what should be done. But if it is magnanimous to retract error, certainly it is only the performance of a sacred duty, which their servants owe the people, to abandon a system which has produced only disappointment and disasters hitherto, and promises only ruin and disgrace in future.

The time, sir, has been, when the Government was respected at home and abroad, when the people were prosperous and happy, when the political body was in high, in vigorous health; when America rejoiced in the fulness of her glory, and the whole extent of the United States presented a scene unknown in any other country, in any other age. Behold now the mournful contrast, the sad reverse! We are “indeed fallen, fallen from our high estate!” The nation is sick—sick at heart. We are called upon to apply a remedy; and none will answer which shall not be effectual. No quack prescriptions will answer now. And the cure, to be effectual, must not persevere in a course which has not only produced no good, nor promises any; but which has brought the patient (if I may use the figure of the gentleman from Maryland, Mr. NELSON) to his present forlorn condition. Such a perseverance may seem to argue great hardihood, or, if you please, spirit; but, after all, it is nothing but the desperate frenzy of a losing, half-ruined gamester.

It becomes, therefore, at last, indispensable to take a retrospective view of our affairs. And, if in taking this view, we should find the cause of our disasters, we must not fear to contemplate it, to hold it up; and, having grown wise by experience, we must not be prevented by false pride, from profiting by it; we must not shrink from the exercise of a virtue because it is also an imperious duty. And I hope that no

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gentleman who hears me is unwilling to sacrifice the popularity of the Administration to the salvation of the country.

Permit me then, sir, to go back to that period in our history which immediately preceded the adoption of our present form of Government. What was then our condition? The people were poor—for there was no commerce to assist agriculture—there was no revenue for general objects. Many States were hardly able to collect enough for State purposes. And, of course, there was no such thing as public credit, although there was an immense floating debt. We had no reputation abroad—there was no confidence even at home. But, sir, we had a WASHINGTON, and we had the pupils of WASHINGTON, men whom he knew to be faithful in the Cabinet, for he had found them faithful in the darkest stages of the Revolution. The nation, happily, had not been deluded—they knew their friends by their deeds—they had not yet yielded to the sweet fascination of the seductive popular declamations of these latter times. Men were known by what they did, not by what they said. These men, sir, had the sagacity to discover the secret springs of our prosperity and happiness and glory. And they were able to strike them with a powerful hand, and with a powerful hand they did strike them; and, instantly, as if by enchantment, the scene changed. Suddenly, agriculture raised her drooping head, for commerce beckoned her to prosperity. Your people began to pay their debts and to become rich. Public credit was restored; the Treasury began to fill readily. Sources of revenue were explored, certain of continually increasing, equally certain of being never exhausted, except by folly and madness. Indeed, sir, so perfect was the financial machinery that it admitted of no improvement. It required no more skill in the successors of the illustrious Hamilton to make this instrument “discourse most excellent music,” than it would a child to play a hand-organ. An end was put to our Indian wars; our Algerine captives were redeemed—our reputation was established abroad, and the United States assumed their just rank among the nations of the earth! This was, indeed, a work worthy of the illustrious patriots who achieved it. It was the result of that profound practical wisdom, which, never yielding to the deception of brilliant theory, saw the public interest with a clear eye, and pursued it with a firm and steady step; and it was no wonder that it was successful. Let me add, too, that all this was accomplished without taxation being felt by the people.

But this great prosperity was not without interruption. It received a stroke, sir, deep and dangerous, and almost mortal, from the tremendous system of spoliation commenced by Great Britain in 1793. Misfortunes cast themselves across the path of nations as well as individuals. They are often unavoidable, and no nation can hope to be always exempt from them. The wisdom of the human mind is displayed in putting an end

to them in private affairs, and in public that statesman only is great who can overcome and disperse them, who, though he cannot avert the bolt, can prevent the ruin it threatens. At the period of which I speak, we had such statesmen. Yes, sir, the alarm was depicted on every countenance—though the nation staggered to its centre under the severity of the blow it had received, yet was the Administration equal to the dreadful emergency—it had brought the nation into existence and prosperity, and it was equal to the preservation of both. And they showed it not by venting their rage in idle reproaches, but by applying efficient remedies to the diseases of the country.

Let it be remembered that justice was to be obtained from Great Britain; from that power which is now represented and held up to our indignation as “proud, unprincipled, imperious, and tyrannical;” and which certainly was at least as much so then; for then she had on her side all Europe engaged in combination against France, and France was alone as England is now. In short, she was then on the continent of Europe what France is now. Yet, from this same country did our Government succeed in obtaining not only reparation for the spoliation committed, but a surrender of the Western posts also. I repeat, sir, all this was accomplished when Great Britain was not less imperious in disposition, but more formidable in power than she is now. And surely all this ought to appear strange and wonderful indeed to those who have been deluded into the idea that, when Great Britain was struggling, gasping for existence, the same thing was impossible: that has with ease, and under more inauspicious circumstances, been accomplished, which the men now in power pretend they have attempted in vain. Still strange as it may seem to them, it is a fact—it is history. Well, sir, how was this miracle brought about? By a process very plain and simple. The Administration was sincerely desirous of peace; and that single object in their eye, they exerted their abilities to obtain it and consequently did obtain it. The instructions of the Minister breathed a desire of peace—of reconciliation upon terms compatible with the honor of both nations. The Administration did not send with their Minister a non-importation act, a proclamation, or a permanent embargo, by way of exhibiting their love of peace. The refinement in diplomacy which sends with the negotiator a new cause of quarrel for the purpose of accelerating the adjustment of an old one, was not yet invented. No, sir, Mr. Jay, (and the name of that stern, inflexible patriot and Republican, I always repeat with delight and veneration, because he is a patriot and a Republican)—

[Here Mr. UPHAM took the advantage of a pause made by Mr. G. to observe that, as the gentleman appeared considerably exhausted, &c., he would move an adjournment, which was taken by ayes and noes and lost—ayes 47, noes 65—Mr. G. voting in the affirmative.]

Mr. G. continued.—Mr. Jay had no disposition to bully the British Government into justice; he had no objection that they should have all the merit of returning voluntarily to a sense of justice, provided his country might have the benefit of substantial reparation. The stern sage of the Revolution became the courteous ambassador, and, appealing "to the justice and magnanimity of His Britannic Majesty," he demanded redress and he obtained it. The British Government saw that ours was sincerely disposed to be at peace with them, and, pursuing the natural direction of their interests, there was no difficulty in making peace. Our plundered merchants were compensated—paid, sir, *bona fide*. We did not purchase redress; we did not pay for the surrender of the Western posts, which were our right, and out of the purchase money indemnify a portion of our own citizens. No; the payment was to all; and in right old-fashioned "British gold," all counted down on the nail. I wish that I could, with equal truth, say the same thing of more modern treaties.

And now, sir, compensation being made by Great Britain for the spoliation on our commerce, the Western posts being surrendered, a commercial treaty being established, the dark cloud which obscured our prospects being dispersed, the sun of our prosperity once more burst forth in all its radiance, and again all was well.

I care not what were the objections of the day, begotten in the brain of faction, and cherished in mobs; under the treaty we were prosperous and happy, and that one fact is enough for me. Bad as the treaty was represented to be, and the worst feature of it most probably was, that it was a British Treaty—bad as it was, the continuance of its existence has been precisely coextensive with the progress of our prosperity—it made our people rich and happy; and, bad as it was, they would have cause to rejoice indeed if the present Administration had furnished them with just such another.

France saw with uneasiness the return of a good understanding between America and Great Britain. And she, in her turn, let loose her plunders upon our commerce. Again the wisdom of our Government was called into action, and again it produced the most happy result. What did they do? An embassy was despatched to France, redress was demanded, but the Ministers were not received, nor could be, till a *douceur*—a tribute—was paid. From a nation which returned such an answer, redress could not be expected; and there was an end of negotiation. Britain and France had acted toward us with equal injustice—the disposition of our Government, its desire of peace, was the same with both. Its conduct was the same to both, but France would not even hear our demands. The American Government were at no loss how to act. The case was a plain one. One nation robs another—that other demands reparation—prevarication is the reply. It re-

quires no skill to see, in such a case, that, to coax the offender into reparation is impossible. Accordingly, our Government did not hesitate as to the course it should pursue; they did not wait to be spurred on by any Government to an assertion of their rights; they would not leave it one moment doubtful whether they had the disposition and the courage to assert them. They proceeded immediately to annul the French Treaty, to pass non-intercourse laws; they built ships of war, and sent them upon the ocean, to protect our commerce. They were not so obstinate but that they could receive instruction, even from the author of the "Notes on Virginia," who, in that work, so judiciously recommends a navy. Our little armament picked up the French cruisers, great and small; the coast, the sea, was soon cleared of them. And our commerce again visited every clime in safety.

I will here remark, sir, that, during all this time, the staple commodities (particularly of the Northern States) suffered no diminution, but an increase in price. Well, sir, France very soon discovered that she had nothing to gain, and we nothing to lose by such a state of things. Even then, when she had some naval power, she discovered this. She was, therefore, very soon disposed to change it. A treaty was patched up, in the end, and something like the appearance of redress provided for.

Now, sir, for the result. A former Administration were able to settle our differences with Great Britain, although she governed all Europe, although she was unjust, haughty, and imperious. Now the same thing is said to be impossible! A former Administration were able, after a fair negotiation had failed, to bring France, who had then some maritime power, on her marrow-bones. And now, when she has none, again the same thing is impossible! How happens all this? Sir, I am afraid your Administration have committed most capital mistakes. They have been unwilling to learn wisdom from the experience and success of their predecessors. I do fear, and I shall be obliged to prove, that, on the one hand, they have been actuated by, certainly they have never (following the example of a former Administration) manifested a sincere disposition to accommodate our difficulties with Great Britain. And, on the other hand, they have in no instance shown to France that bold front which, in more unpromising times, brought the terrible Republic to her senses. These two errors, these wilful, wanton aberrations from established policy, are the true causes of all our misfortunes. It is owing to them that we have, if we believe the Administration sincere, two enemies who are already at war with each other, and we, the only instance of the kind since the creation of the world, are to step out a third and distinct belligerent, a sort of Ishmaelite belligerent; our hand against every nation, and every nation's hand against us. We are in a situation which defies hope, one in which we have but a single miserable

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consolation, that though it promises nothing but ruin, yet it is so ridiculous, so ludicrous, that we can but smile at it.

These remarks are extorted from me a little out of their order. I return to the period of the restoration of peace between the United States and France.

The Administration now (1801) passed into the hands of other men. They received a country, rich, prosperous, and increasing in prosperity. A people contented and happy; or discontented only with those who had been the authors of their prosperity. They received a Treasury full and overflowing, giving a vigor and a spring to public credit almost unknown before, and to the reputation of the country a dignity unsullied; they found us in peace and friendship with all nations, our commerce whitening every sea, and rewarding agriculture for all its industry, and every one sitting in peace under his own vine and fig tree. Our country presented to the animated philanthropist one uninterrupted display of liberty, of gaiety, and of felicity. Oh! happy, happy period of our history—never, never, I fear to return. And, if ever truth dropped from the lips of man, it was when the nation was declared to be in “the full tide of successful experiment.” Never were the destinies of a nation in more wonderful prosperity committed to men. That prosperity had been acquired at a price no less unparalleled, at the expense of the destruction and disgrace of those whose wisdom and energy had produced it.

The new men, sir, were not required to bring order out of confusion; that had been done already.

They were not called upon to lay the deep and strong foundations of national prosperity and happiness; that had been done already.

They were not enjoined to “multiply” the talents committed to their stewardship; that was unnecessary—they were merely commanded to preserve them undiminished.

They were not required to create a paradise—but to keep uninjured that which was committed to their guardianship.

They promised, indeed; they were so rash, in the fulness of their exultation, as to promise to do more; but folly alone could believe them; and for breaking this promise I forgive them, for to do more was impossible. And if they had but preserved unimpaired, if they had not totally destroyed the inestimable treasures intrusted to them, I would have endeavored to overcome my resentment, my indignation, and my despair.

In performance of their lofty promises, in disregard of sacred duties, what have they done? In what condition do they leave the country, which, eight years since, “in the full tide of successful experiment,” fell into their hands? They present to us, sir, the gloomy reverse of all it was. The people discontented and distressed—all becoming daily more and more poor—except, indeed, that class of rich speculators,

whose wealth and whose hearts enabled them to prey upon the wants of their countrymen. The despair and dismay of 1786 are returned! The prosperity of twenty years is annihilated at one stroke! The sources of revenue are dried up. The Treasury, indeed, may be now full—but it must continually diminish—and, without its usual supply, it must soon be empty. We have still some credit. But how long, sir, can that be maintained, when it is known that we have no longer the means, allowing us to possess the disposition, to fulfil our pecuniary engagements? When you cannot collect a cent upon imposts, and dare not lay a direct tax, how far you will be able to obtain money on loan, is, to say the least of it, very questionable. But, I will hasten to finish the contrast I was about to make. Commerce, sir, has perished, and agriculture lies dead at her side—for these twin sisters must flourish or die together. No nation in the world is our friend—our paradise is becoming a wilderness; our soil is stained with the blood of our own citizens; and we look around us, in vain, for one solitary benefit to compensate us for all the dreadful effects of the present system.

Perhaps, sir, I may be answered: “Though all you have said be true, though our former prosperity exists no longer, it is ungenerous, it is unjust to impute the change to the agency of the Administration. What has happened could not be prevented.” Though such a rebuke were reasonable, I will still insist that the Administration, if they deserve no censure, are certainly entitled to no praise, and can ask for no confidence. If they have not been the authors of the public calamities, they have not, like their predecessors, discovered the ability to prevent them from coming thick upon us. If their hearts are honest, their heads have not discovered much soundness. No set of men, however ignorant, however stupid, could have placed the country in a worse or a more deplorable situation. The truth is plain and palpable. Judging of the wisdom of the Administration by the result of its measures, I cannot sing praises to them for their skill and ingenuity in diplomacy. No, sir; I delight in that diplomacy which makes the poor rich; which makes industry prosperous; which spreads contentment through the land, and happiness among the people. I delight in the diplomacy, whose skill and wisdom can be read in the countenance of my countrymen, and makes the face of my country the evidence of its prosperity. I like not, I abhor that diplomatic skill which can be found only in a book! which has produced nothing but calamity, and whose praise is written in the blood of my countrymen.

But, sir, how happens it that we still remain under the distresses occasioned by the belligerents? Is there, indeed, a physical impossibility of removing them? From Great Britain, and that, too, when she had the whole continent on her side, we could once obtain justice, not only for the past, but security for the future.

From France, too, we could once obtain justice, but now we can gain justice from neither. What change, sir, has occurred in the state of things to produce this strange impossibility? Our commerce is more an object to Great Britain now, than it was formerly—and France can oppose to us no resistance on the ocean. And yet no remedy can be found for our calamities! Sir, I will not be the dupe of this miserable artifice. What has been done once can be done again by employing the same means.

The Administration have committed greater errors. They have conducted all their affairs in such a style as to leave Great Britain no room to doubt that, when they asked for peace, they wanted it not. To this cause may be traced all our difficulties, so far as they proceed from that power. As it regards France, I fear that they have not acted the proper, the manly part. In short, sir, they have not pursued toward England the policy which saved us in 1795, nor toward France the policy which was successfully opposed to French rapacity and French obstinacy in '98.

I think an error was committed, when, affecting to desire an amicable arrangement with Great Britain, instead of treating with her as a nation not to be intimidated, much less bullied, the non-importation act was passed. For, sir, if she was so proud, so haughty, so imperious, as some gentlemen delight to describe her, then to bring her to justice by assuming an attitude of menace, was evidently impossible. When, therefore, you passed the non-importation act, under a pretence that it would be a successful auxiliary to friendly negotiation, what could you expect but to alarm the pride, and the haughtiness, and imperiousness of that nation? And, doing that, how could you expect an amicable result? No, sir, it was not, and it could not be expected. You obtained a treaty indeed—but it was from a Fox Ministry. Yet such as it was, it was not so good as a Jay's Treaty, and the Executive rejected it without so much as laying it before the Senate.

In support of the embargo system, gentlemen say, if we suffer our commerce to go on the ocean, or wherever it goes, it will be crippled either by France or Great Britain. Although this is not true in the extent laid down, yet it will hold tolerably true as respects the European seas. From what gentlemen are pleased to represent as the impossibility of sailing the ocean with safety, result (say they) the propriety and necessity of the embargo system. And they say, it is not the embargo, but the decrees and orders which are the true cause of all we suffer; that the embargo, so far from being the cause of, was advised as a remedy for the evils we endure. Well, sir, for the sake of the argument, be it as they say. Has the embargo answered? Is there any probability, the slightest indication, that it will answer? Has it operated, to any perceptible extent, except upon ourselves, during the twelvemonth it has been in existence? If, then, neither the

remembrance of the past, nor the prospect of the future, gives the least encouragement to hope, why will gentlemen persist in the system? And that too, sir, at an expense to their own country so enormous in amount? Will they go on obstinately amid all the discontents, or clamors (as gentlemen in very anti-republican language call the voice of the people) in the Eastern and Northern States? And that from mere obstinacy—an obstinacy not encouraged by the least glimmering of hope? If I could be pointed to a single fact, produced by the operation of the embargo, which would prove that it had any other effect on the disposition of Great Britain than to irritate—or any other on France than to please, than to encourage her to a perseverance in that system of injustice which we pretend to oppose, but to the policy of which we give all our support with an infatuated wilfulness, and which, therefore, increases the hostility Great Britain has felt from the measure—if they could show me, sir, that the embargo will bring either to terms, I would abandon the opposition at once, and come heart and hand into the support of your measures. The other day, the gentleman from South Carolina (Mr. WILLIAMS) almost persuaded me that it ought to operate upon Great Britain; but I looked and I found it did not, and I was convinced it would not.

But, have gentlemen reflected that, if all the evils were drawn from Pandora's box, to vex Great Britain, you could have hit on none so well calculated to call out all her resistance, and all her obstinacy, as this same expedient, the embargo! If she yields to us, under the pressure of such a system, she discloses to us the secret of her independence! Sir, the embargo is war; it was intended as such against Great Britain. And she understands its meaning and its character too well for us to disguise it, under a pretence of its being a mere precautionary municipal measure. Its efficacy as a coercive measure has been too often and too loudly boasted of in this House, to make its real object a secret to her. Nay, in so far as the great and prominent feature of war is coercion; in so far as war is always intended to make the adversary yield that which he will not yield voluntarily; in so far, are the embargo and the non-importation act war. Each was intended to coerce Great Britain to yield to us points which it had been ascertained she would not yield voluntarily. It was a system of coercion, a new-fangled sort of philosophical experimental war; novel, to be sure, in its character, but, to all substantial purposes, war. Instead of bloodshed, there was to be ink shed—instead of bayonets, pens—instead of the bloody arena, huge sheets of paper! Whenever Great Britain shall yield to the coercion of the non-importation, embargo, or non-intercourse system, she virtually tells the people of the United States, "we are in your power whenever you choose to make a claim upon us, whether just or unjust; threaten us with an embargo and a non-intercourse, and you bring us to your feet." Does



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any gentlemen believe, even allowing the pressure of the embargo to be great upon her, that she can yield, that she can afford to yield? That she can admit that we have her always perfectly in our power? Sooner would she give up in battle—sooner would she see her soldiers retreating before our bayonets; sooner would she see her armies perish under our valor, than acknowledge herself the slave of this magic wand. Her children might grow to be men, and she might try the fortune of another day; the hair of Samson might grow on again, and his strength be renewed; but in yielding to the chance of the embargo, she places her existence in our hands, and becomes dependent upon our will for the existence of her sovereignty. Sir, the King of England cannot, he dare not, yield to our embargo.

But, sir, he has not told us that he considers our embargo hostile to him; nor has our Government ever told him that it was; such a declaration has never been put to paper. No, sir; when you look into the correspondence, it would seem that the embargo was never intended as a coercive measure, nor even understood so by Great Britain. Every thing on both sides is conceived in a sincere spirit of "friendship." Our non-importation act, our proclamation, our embargo, are all acts of friendship and kindness toward Great Britain, for aught we find there. And Great Britain issues her Orders in Council in a reciprocating spirit of amity toward us. She is not offended with our non-importation act, nor our embargo. Not at all. Her orders are not intended to harm us. She means nothing in the world, but simply to retaliate upon France—and she is sorry that almost the whole force of the blow falls upon us, but it is unavoidable. She, by the laws of nations, has as perfect a right to retaliate upon France as we have to make our innocent municipal regulations—and she is full as sorry that her retaliation system should wound us, as we are that our municipal regulations should incommode her. Sir, this diplomatic hypocrisy (begun, I acknowledge, by us) is intolerable. Sir, there is not one word of truth in the whole of it, from beginning to end. The plain state of the case is this: Anterior to the non-importation act, the British Treaty had expired—there were points of dispute, particularly concerning the impressment of seamen, which could not be adjusted to the satisfaction of our Government. In this state of things, either we ought to have gone to war, or we ought not. If we had intended to do so, stronger measures should have been resorted to than a non-importation act. If we had not intended to do so, the act should never have been passed. Those who passed it could have but one of two objects in view; either to coerce Great Britain to the terms we demanded—or, by vexing and irritating her, to raise up in due time an unnecessary fictitious quarrel, which (as this country is known to be extremely sensitive of British aggression) might ultimately end in a real old-fashioned war. No

men could have been so weak as to calculate upon the first result. As to the other, the wisdom of the calculation is pretty strongly proved by the situation in which we now find ourselves. Sir, this is the whole mystery—and it must be explored—it must be exposed. We must understand the real character of our controversy with Great Britain—the real character, intent, and aim, of the different measures adopted by us and by her, before we can hope to heal the wounds our peace has received, or to restore the prosperity we have been unnecessarily made to abandon. I know, sir, how difficult it is to overcome matured opinions or inveterate prejudices; and I know, too, that, at this time, the individual who shall venture to lay open "the bare and rotten policy" of the time, makes himself the butt of party rancor, and strips himself to the unsparing "lacerations of the press." But these are considerations too feeble to deter me from my duty.

[Mr. G. appearing much exhausted, and Mr. QUINCY having intimated to the House that Mr. G. suffered under a pain in the side, moved for an adjournment. The SPEAKER inquired whether Mr. G. yielded the floor? Mr. G. replied, he had himself little inclination to continue his remarks, but the House appeared so eager to hear him, (a laugh,) he hardly knew what answer to make. However, he said, he would give the floor. The House then adjourned.]

The object, sir, of our present deliberations is, or ought to be, to relieve our country from the distresses under which it groans; to do this, we should be prepared to legislate with a single eye to the welfare and happiness of the nation. It is of the first necessity that we should deliberate with calmness, if we mean to apply an effectual remedy to the diseases of the State. In the remarks which I had the honor to make yesterday, I was constrained to draw a contrast between the measures and prosperity of former times and those of the present times. Under circumstances of the same character, we were formerly able to overcome our misfortunes. Now we are not. And I did this for the purpose of impressing upon the House an opinion, that if the Administration had practised upon the principles of their predecessors, all had been well; or, that if retracing their steps, or relinquishing the path of error and misfortune, they would still be the learners of wisdom and experience, it would not even now be too late to retrieve the affairs of the country. If I know my own heart, I did not make the comparison from any invidious purposes; but merely to turn the minds of gentlemen back to former times; that they might reflect upon the perils and calamities of those times, and the means by which an end was put to them; but in doing this, I could not avoid paying the tribute of deserved praise and of sincere gratitude to the men under whose agency we prospered abundantly. In contrasting the conduct of the present with that of the former Administration, I meant to subserve no purposes of party. Nay, sir, I could have much

desired to have been spared the necessity of presenting that contrast before the nation. I could have wished to have avoided these references, lest I might excite party feeling in others; lest I might appear to be governed by them myself. But truth could not be attained by any other course, and I have been compelled to take it.

The first resolution, contained in the following words, was divided, so as to take the question first on the part in italic:

*"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain—and France."*

The question was then taken on the first clause of this resolution, and carried—yeas 186, nays 2.

The question being about to be put on the remaining part of the resolution, viz: on the words "and France"—

The question then recurred on the second member of the first resolution; and the same being taken, it was resolved in the affirmative—yeas 118, nays 2.

The main question was then taken that the House do agree to the said first resolution as reported to the Committee of the Whole, in the words following, to wit:

*"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the edicts of Great Britain and France."*

And resolved in the affirmative—yeas 118, nays, 2.

#### SATURDAY, December 17.

A division of the question on the resolution depending before the House was then called for by Mr. DAVID R. WILLIAMS: Whereupon, so much of the said resolution was read, as is contained in the words following, to wit:

*"Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States."*

The question then recurring on the first member of the original resolution, as proposed to be divided on a motion of Mr. D. R. WILLIAMS, and hereinbefore recited, a division of the question on the first said member of the resolution was called for by Mr. GARDENIER, from the commencement of the same to the words "Great Britain," as contained in the words following, to wit:

*"Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain."*

The question being taken that the House do agree to the same, it was resolved in the affirmative—yeas 92, nays 29.

A farther division of the question was moved

by Mr. ELLIOT, on the said first member of the resolution, on the words "or France," immediately following the words "Great Britain," hereinbefore recited: And the question being put thereupon, it was resolved in the affirmative—yeas 97, nays 24.

And on the question that the House do agree to the second member of the said second resolution, contained in the words following, to wit:

*"Or to any other of the belligerent powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States?"*

It was resolved in the affirmative—yeas 96, nays 26.

The question then being on the residue of the said resolution contained in the following words:

*"And, also, the importation of any goods, wares, or merchandise, the growth, produce, or manufacture, of the dominions of any of the said powers, or imported from any place in the possession of either."*

The question was taken, and resolved in the affirmative—yeas 82, nays 36.

The main question was then taken that the House do agree to the said second resolution, as reported from the Committee of the whole House, and resolved in the affirmative—yeas 84, nays 30, as follows:

YEAS.—Lemuel J. Alston, Willis Alston, jun., Es-  
kial Bacon, David Bard, Joseph Barker, Burwell  
Bassett, William W. Bibb, William Blackledge, John  
Blake, jun., Thomas Blount, Adam Boyd, John  
Boyle, Robert Brown, William A. Burwell, William  
Butler, Joseph Calhoun, George W. Campbell, Mat-  
thew Clay, Joseph Clopton, Richard Cutts, John  
Dawson, Joseph Desha, Daniel M. Durrell, John W.  
Eppes, William Findlay, Jas. Fisk, Meshack Frank-  
lin, Francis Gardner, Thomas Gholson, jun., Peter-  
son Goodwyn, Edwin Gray, Isaiah L. Green, John  
Heister, William Helms, James Holland, David  
Holmes, Benjamin Howard, Reuben Humphreys,  
Daniel Hiley, John G. Jackson, Richard M. Johnson,  
Walter Jones, Thomas Kenan, William Kirkpatrick,  
John Lambert, John Love, Nathaniel Macon, Robert  
Marion, William McCreery, John Montgomery,  
Nicholas R. Moore, Thos. Moore, Jeremiah Morrow,  
John Morrow, Roger Nelson, Thos. Newbold, Thomas  
Newton, Wilson C. Nicholas, John Porter, John  
Rea of Pennsylvania, John Rhea of Tennessee, Jacob  
Richards, Matthias Richards, Benjamin Say, Ebenezer  
Seaver, Samuel Shaw, Dennis Smelt, John Smilie,  
Jedediah K. Smith, John Smith, Henry Southard,  
Richard Stanford, Clement Storer, John Taylor,  
George M. Troup, James I. Van Allen, Archibald  
Van Horne, Daniel C. Verplanck, Jesse Wharton,  
Robert Whitehill, Isaac Wilbour, David R. Williams,  
Alexander Wilson, and Richard Wynn.

NAYS.—Evan Alexander, John Campbell, Ephra-  
im Champion, Martin Chittenden, John Culpeper,  
Samuel W. Dana, John Davenport, jun., Jas.  
Elliot, William Ely, Barent Gardenier, John Harris,  
Richard Jackson, Robert Jenkins, James Kelly,  
Philip B. Key, Joseph Lewis, jun., Matthew Lyon,  
Josiah Masters, William Milnor, Jonathan O. Mosely,  
Timothy Pitkin, jun., Josiah Quincy, John Russell,  
James Sloan, L. B. Sturges, Samuel Taggart, Ben-

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jamin Tallmadge, Jabez Upham, Philip Van Cortlandt, and Killian K. Van Rensselaer.

And on the question that the House do concur with the Committee of the Whole in their agreement to the third resolution, in the words following, to wit:

*Resolved*, That measures ought to be immediately taken for placing the country in a more complete state of defence:

It was unanimously resolved in the affirmative.

On motion of Mr. GEORGE W. CAMPBELL,

*Ordered*, That the second resolution be referred to the committee appointed on so much of the Message from the President of the United States, at the commencement of the present session, as respects our relations with foreign powers, with leave to report thereon by way of bill or bills.

On motion of Mr. GEORGE W. CAMPBELL,

*Ordered*, That the third resolution be referred to the committee appointed, on the 8th ultimo, on so much of the said Message from the President of the United States as relates to the Military and Naval Establishments, with leave to report thereon by bill, or bills.

MONDAY, December 19.

*Miranda's Expedition.*

Mr. LOVE called for the order of the day on the report of the committee on the subject of the thirty-six persons confined in Carthagena, South America. The following is the resolution reported by the committee:

*Resolved*, That the President of the United States be requested to adopt the most immediate and efficacious means in his power to obtain from the Viceroy of Grenada, in South America, or other proper authority, the liberation of thirty-six American citizens, condemned on a charge of piracy, and now held in slavery in the vaults of St. Clara, in Carthagena, and that the sum of ——— dollars be appropriated to that purpose.

Mr. D. R. WILLIAMS moved to postpone the consideration of the subject indefinitely. Negatived—50 to 86.

The House then went into a Committee of the Whole on the subject—89 to 83.

Mr. LOVE moved to amend the resolution by striking out the words in italics, and inserting "authorized to request."—Carried, ayes 54.

Those gentlemen who supported this resolution in the debate were Messrs. LOVE, LYON, BACON, NELSON, SLOAN, and WILBOUR. Those who opposed it were Messrs. D. R. WILLIAMS, TAYLOR, SMITH, MACON, and SOUTHWARD.

The gentlemen who opposed the resolution, among other objections, contended that an agreement to the resolution would but involve the Government in difficulty without answering any good purpose; that it would in fact be aiding the attempt of a certain party to prove that the General Government had some connection with this expedition originally, which it

certainly had not; that the facts set forth in the petition were wholly unsupported by evidence; that these persons had engaged themselves in a foreign service; that they had become weary of the privileges of freemen, and had entered into a hostile expedition against a foreign country, and, in so doing, had been taken, condemned for piracy, and immured as a punishment for that offence; that the British Government, having been at the bottom of this business, was the proper power to release these persons, and indeed had applied to the Spanish commander for the purpose; that even were the United States bound by the laws of justice or humanity to intercede for these persons, they knew not to whom to make application, and would probably meet with a refusal, perhaps a rude one, if any judgment could be formed from the present situation of our affairs with Spain; that if gentlemen wished for objects on which to exercise their humanity, they might find them in the lacerated backs of our impressed seamen, without extending it to criminals. In reply to an observation of Mr. LYON, that if we did not get these men Great Britain would do so, and employ them to extend her naval force, Mr. MACON replied, if she did, she was welcome to keep them; but she was in the habit of supplying her navy with seamen from our vessels, without the trouble which the acquisition of these men might occasion her.

In reply to these objections, and in support of the resolution, the humanity of the House was strongly appealed to. It was urged that the Government could in nowise be involved by an appeal to the generosity of the provincial government; that these men had not wilfully committed piracy, but had been deluded under various pretences to join the expedition; that they had joined it under a belief that they were entering into the service of the United States; that, even admitting them to have been indiscreetly led to join the enterprise, knowing it to be destined for a foreign service, yet, that they had been sufficiently punished by the penalty they had already undergone; that it was wholly immaterial what inference any persons might draw from the conduct of the United States in this respect, as to their concern with the original expedition; that such considerations should have no weight with the House; that if these poor fellows were guilty, they had repented of it; and Mr. NELSON quoted on this point the Scriptures, to show that there should be more joy over one sinner that repenteth, than over ninety and nine who have no need of repentance. In reply to an intimation that it was not even ascertained that they were American citizens, Mr. BACON observed that one of them had been born in the same town in which he was, and was of a reputable family.

The resolution was negatived by the committee—49 to 81.

The committee rose and reported the resolution, which report the House agreed now to consider—ayes 57.

The question of concurrence with the committee in their disagreement to the resolution, was decided by yeas and nays, 50 to 34

On motion, the House adjourned.

TUESDAY, December 20.

A new member, to wit, JOSEPH STORY, returned to serve in this House, as a member for the State of Massachusetts, in the room of Jacob Crowninshield, deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

WEDNESDAY, December 21.

*Captain Pike's Expedition.*

On motion of Mr. J. MONTGOMERY, the House resolved itself into a Committee of the Whole, on the bill making compensation to Z. M. Pike and his companions.

[The first section of this bill grants to Captain Pike and his companions a certain quantity of land. The second section allows them double pay during the time they were engaged in exploring the western country.]

Mr. STANFORD moved to strike out the first section of the bill; which was negatived—53 to 38.

The second section was stricken out—43 to 35.

A considerable debate took place on this bill, in which Messrs. MONTGOMERY, LYON and ALEXANDER supported the bill, and Messrs. MA- COON, DURELL, STANFORD and TALLMADGE opposed it.

The bill being gone through, was reported to the House.

SATURDAY, December 31.

*Division of the Indiana Territory.*

Mr. THOMAS, from the committee appointed on the thirteenth instant, to inquire into the expediency of dividing the Indiana Territory, made a report thereon; which was read, and committed to a Committee of the Whole on Monday next. The report is as follows:

That, by the fifth article of the ordinance of Congress for the government of the Territory of the United States Northwest of the river Ohio, it is stipulated that there shall be formed in the said Territory no less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows:

The Western State shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincennes, due north, to the Territorial line between the United States and Canada, and by the said Territorial line to the Lake of the Woods and Mississippi.

The middle State shall be bounded by the said direct line, the Wabash, from Post Vincennes, to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said Territorial line, and by the said Territorial line.

The Eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said Territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State Government: *Provided*, the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there shall be a less number of free inhabitants in the State than sixty thousand.

By the aforesaid article, it appears to your committee that the line fixed as the boundary of the States to be formed in the Indiana Territory is unalterable, unless by common consent; that the line of demarcation, which the Wabash affords between the eastern and western portion of said Territory, added to the wide extent of wilderness country which separates the population in each, constitute reasons in favor of a division, founded on the soundest policy, and conformable with the natural situation of the country. The vast distance from the settlements of the Wabash to the present seat of Territorial government, renders the administration of justice burdensome and expensive to them in the highest degree. The superior courts of the Territory are, by law, established at Vincennes; at which place suitors, residing in every part of the Territory, are compelled to attend with their witnesses, which, to those who reside west of the Wabash, amounts almost to a total denial of justice. The great difficulty of travelling through an extensive and loathsome wilderness, the want of food and other necessary accommodations on the road, often presents an insurmountable barrier to the attendance of witnesses; and, even when their attendance is obtained, the accumulated expense of prosecuting suits where the evidence is at so remote a distance, is a cause of much embarrassment to a due and impartial distribution of justice, and a proper execution of the laws for the redress of private wrongs.

In addition to the above considerations, your committee conceive that the scattered situation of the settlements over this extensive Territory cannot fail to enervate the powers of the Executive, and render it almost impossible to keep that part of the Government in order.

It further appears to your committee, that a division of the said Territory will become a matter of right under the aforesaid article of the ordinance, whenever the General Government shall establish therein a State Government; and the numerous inconveniences which would be removed by an immediate separation, would have a direct tendency to encourage and accelerate migration to each district, and thereby give additional strength and security to those outposts of the United States, exposed to the inroads of a savage neighbor, on whose friendly dispositions no permanent reliance can be placed.

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Your committee have no certain data on which to ascertain the number of inhabitants in each section of the Territory; but, from the most accurate information they are enabled to collect, it appears that west of the Wabash there are about the number of eleven thousand, and east of said river about the number of seventeen thousand, and that the population of each section is in a state of rapid increase.

Your committee, after maturely considering this subject, are of opinion that there exists but one objection to the establishment of a separate Territorial Government west of the river Wabash, and that objection is based on the additional expense which would, in consequence thereof, be incurred by the Government of the United States. But, it is also worthy of observation, that the increased value of the public lands in each district, arising from the public institutions which would be permanently fixed in each, to comport with the convenience of the inhabitants, and the augmentation of emigrants, all of whom must become immediate purchasers of these lands, would far exceed the amount of expenditure produced by the contemplated temporary government.

And your committee, being convinced that it is the wish of a large majority of the citizens of the said Territory that a separation thereof should take place, deem it always just and wise policy to grant to every portion of the people of the Union that form of government which is the object of their wishes, when not incompatible with the constitution of the United States, nor subversive of their allegiance to the national sovereignty.

Your committee, therefore, respectfully submit the following resolution:

*Resolved*, That it is expedient to divide the Indiana Territory, and to establish a separate Territorial Government west of the river Wabash, agreeably to the ordinance for the government of the Territory of the United States northwest of the river Ohio, passed on the 13th day of July, 1787.

Mr. THOMAS, from the same committee, presented a bill for dividing the Indiana Territory into two separate governments; which was read twice and committed to a Committee of the Whole on Monday next.

A motion was made by Mr. WYNN, that when this House adjourns, it will adjourn until Tuesday morning, eleven o'clock: And the question being taken thereupon, it was resolved in the affirmative—yeas 60, nays 45.

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Another member, to wit, JOHN ROWAN, from Kentucky, appeared, and took his seat in the House.

#### *Naval Establishment.*

The amendments of the Senate to the bill sent from the House for employing an additional number of seamen and marines, were taken up. [The amendments propose the immediate arming, manning, &c., all the armed vessels of the United States.]

Mr. G. W. CAMPBELL expressed a hope that the House would disagree to the amendments. The President was already authorized by law to fit out these vessels, whenever, in his opinion,

the public service should require it; and the expense which would attend them was a sufficient argument against it, if no urgent occasion existed for their service, which he believed did not.

Mr. STORY entertained a very different opinion from that of the gentleman from Tennessee. In case of war there must be some ships of war of one kind or other; and it would take six months at least to prepare all our ships for service. At present they were rotting in the docks. If it were never intended to use them, it would be better to burn them at once than to suffer them to remain in their present situation. He believed if out at sea they might be useful and would be well employed. Why keep them up at this place, whence they could not get out of the river perhaps in three weeks or a month? He believed that a naval force would form the most effectual protection to our seaports that could be devised. Part of our little navy was suffered to rot in the docks, and the other part was scarcely able to keep the ocean. Could not a single foreign frigate enter almost any of our harbors now and batter down our towns? Could not even a single gunboat sweep some of them? Mr. S. said he could not conceive why gentlemen should wish to paralyze the strength of the nation by keeping back our naval force, and now in particular, when many of our native seamen (and he was sorry to say that from his own knowledge he spoke it) were starving in our ports. Mr. S. enumerated some of the advantages which this country possessed in relation to naval force. For every ship which we employed on our coasts, he said, any foreign nation must incur a double expense to be able to cope with us. The truth was, that gentlemen well versed in the subject, had calculated that it would require, for a fleet competent to resist such a naval force as the United States might without difficulty provide, four or five hundred transport ships to supply them with provisions, the expense of which alone would be formidable as a coercive argument to Great Britain. He wished it to be shown, however small our naval force, that we do not undervalue it, or underrate the courage and ability of our seamen.

Mr. COOK followed Mr. STORY on the same side of the question. He compared the nation to a fortress on which an attack was made, and the garrison of which, instead of guarding the portal, ran upon the battlements to secure every small aperture. He thought their attention should first be directed to the gates, and that a naval force would be the most efficient defence for our ports.

Mr. D. R. WILLIAMS called for the yeas and nays on the amendments.

Mr. SMITH said that raising a naval force for the purpose of resisting Great Britain, would be attacking her on her strong ground. If we were to have a war with her on the ocean, it could only be carried on by distressing her trade. Neither did he believe that these vessels

of war would be of any effect as a defence. They did not constitute the defence on which he would rely. If we had a navy, it would form the strongest temptation for attack upon our ports and harbors. If Denmark had possessed no navy, Copenhagen would never have been attacked. The only way in which we could carry on a war on the ocean to advantage, Mr. S. said, would be by our enterprising citizens giving them sufficient encouragement. Were we to employ a naval force in case of war, it would but furnish our enemy with an addition to her navy. He hoped the House would disagree to the amendments of the Senate and appoint a committee of conference.

Mr. DANA said that the amendments sent from the Senate presented a question of no small importance to the nation. Without expressing any opinion on the question, it appeared to him to be at least of sufficient importance to be discussed in Committee of the Whole. Coming from the other branch of the Legislature, and being so interesting to the nation, he wished that it might be discussed fairly and fully; and, therefore, moved a reference to a Committee of the Whole.

Messrs. DANA, TALLMADGE, and STORV, urged a reference to a Committee of the Whole on account of the great importance of the subject, on which a full discussion would be proper; and Messrs. MACON, G. W. CAMPBELL, and HOLLAND opposed it, because the seamen proposed by the original bill were now wanted, and the subject of the amendment was already referred to a Committee of the Whole in a distinct bill. Motion lost, 58 to 55.

Mr. MACON observed, that the immediate expense of this arrangement, if agreed to, would be at least five or six millions of dollars, and but four hundred thousand were appropriated by the bill. When he compared this bill with the report of a select committee made to the House of Representatives, he said he was astonished. A part of that report was a letter from the Secretary of the Navy, in which the very number (two thousand) contained in the bill as it went from this House, was desired. Mr. M. adverted to the observation of Mr. STORV, that it would cost Great Britain as much to keep one frigate as it would cost us to keep two. He thought the expense would be about equal. The expense of the transportation of provisions would be counterbalanced by the difference of expense between the pay of the British and American seamen, the latter being double of the former generally. He objected to this bill from the Senate because no estimate accompanied it. He thought they would go far enough if they gave the departments all that they asked. This House had indeed as much right to judge of the force requisite, as any other department; but he did not wish to be called upon to supply a deficit in the appropriation, which never failed to occur even in the ordinary appropriations for the Navy Department. Give the four hundred thousand dollars

asked for, and the deficit in the appropriation will be at least ten times the amount of the sum appropriated.

Mr. COOK contended strenuously in favor of a naval force. He detailed the advantages which would accrue to the nation from a few fast sailing frigates. He said they were essentially necessary to defence. He expatiated on the difficulty with which any foreign power could maintain a force on our coast.

Mr. HOLLAND did not profess to have much knowledge on this subject, but he said it did not require much to overthrow the arguments of gentlemen on the subject. What defence a few frigates would be to the extensive coast of this country, he could not understand. There certainly never had been a time when this country should rely on a maritime force as a sufficient protection. Indeed, he said, if we had fifteen or twenty or more sail-of-the-line, he should hesitate much before he would go to war with Great Britain, because these would undoubtedly be lost. Our power of coercion was not on the ocean. Great Britain had possessions on this continent which were valuable to her; they were in the power of the United States, and the way to coerce her to respect our rights on water, would be attacking them on land. He said he certainly did not undervalue the disposition and prowess of our seamen; and it was because he valued them, that he did not wish them to go into an unequal contest, in which they must certainly yield. Gentlemen might understand naval matters; but it was no reason that they should therefore understand the efficiency of a naval force. There was sufficient evidence in history to warn the United States against it.

Mr. TROUP said he rose but for the purpose of stating facts which struck him as being applicable to the subject before the House. He referred chiefly to an extract of a letter written to himself and published in the paper of to-day. [Mr. T. then read the extract which appeared in the National Intelligencer on the 9th instant.] In addition to these facts, letters had been received, in the course of this morning, containing further particulars, which he begged leave to state to the House. After the officer (commander of a British armed vessel) had been forced on board his vessel, and while lying in our waters and within our jurisdiction, he had fired several shots at pilot-boats, passing and repassing, had been very abusive, and threatened the town with what he called vengeance; and, in addition to these facts, letters had reached Savannah from Liverpool, giving satisfactory information that vessels of fifteen or twenty guns had been fitted out for the purpose of forcing a cotton trade with South Carolina and Georgia. This information, Mr. T. said, came from unquestionable authority. And it was because he was unwilling that the people of this country should longer submit to the abuse of British naval officers; because he was unwilling that they should be exposed to the insolence of

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every British commissioned puppy who chose to insult us; because he was unwilling that armed vessels should force a cotton trade, when every man knew that nine-tenths of the people of Georgia would treat as traitors the violators of the embargo; it was for this reason that he was disposed to vote for the amendments from the Senate. The great objection which had been taken to them was the expense which they would produce. Economy, Mr. T. said, was a good thing in time of peace; but if this contracted spirit of economy predominated in our war councils, if we were forced into a war, so help him God, he would rather at once tamely submit our honor and independence than maintain them in this economical way. If we went to war, we ought not to adopt little measures for the purpose of executing them with little means; neither should we refuse to adopt great measures, because they could not be executed but with great means. It was very true that, in war as well as in peace, calculation to a certain extent was necessary; but, if they once resolved on an object, it must be executed at whatever expense. He was no advocate for standing armies or navies, generally speaking; but, in discharging his duties here, he must be governed by the circumstances of every case which presented itself for his decision, and then ask himself, Is it wise, politic, and prudent, to do this or omit that? He said he would never go back to yesterday to discover what he had then said or done, in order to ascertain what he should now do or say. Political conduct must depend on circumstances. What was right yesterday might be wrong to-day. Nay, what was right at the moment he rose to address the House, might, ere this, be palpably wrong. Conduct depended on events, which depended on the folly or caprice of men; and, as they changed, events would change. It might have been a good doctrine long ago that this country ought to have a navy competent to cope with a detachment of the British navy; it might have been good doctrine then, but was shocking doctrine now.

At that time England had to contend with the navies of Russia, Denmark, France, Holland, Spain, &c. Now England was sole mistress of the ocean. To fight her ship to ship and man to man, and it was impossible that gentlemen could think of fighting her otherwise, if they fought her at all, we must build up a huge navy at an immense expense. We must determine to become less agricultural and more commercial; to incur a debt of five hundred or a thousand million of dollars, and all the loans and taxes attendant on such a system, and all the corruption attendant on them. He should as soon think of embarking an hundred thousand men for the purpose of attacking France at her threshold, as of building so many ships to oppose the British navy. It was out of the question; no rational man could think of it. But that was not now the question. It was, whether we would call into actual service the little navy we

possessed. It was not even a question whether we would have a navy at all or not. If that were the question, he would not hesitate to say that even our present political condition required a navy to a certain extent, to protect our commerce against the Barbary Powers in peace, and in time of war for convoys to our merchantmen. He only meant a few fast-sailing frigates, such a navy as we have at present, for the purpose of harassing the commerce of our enemies also. He therefore thought our present naval force ought to be put in service. As far as the appropriation (\$400,000) would go, it would be employed; but if Congress should hereafter see cause to countermand or delay the preparation, they would have it in their power to do so by refusing a further appropriation.

Mr. D. R. WILLIAMS said it was his misfortune to differ with gentlemen upon all points on the subject of the navy. He was opposed to it from stem to stern; and gentlemen who attempted to argue in favor of it as a matter of necessity, involved themselves in absurdities they were not aware of. When money had been appropriated for fortifications, there had been no intimation that it would be necessary to prop them up with a naval force. If our towns could not be defended by fortifications, he asked, would ten frigates defend them? The gentleman from Massachusetts (Mr. STORY) had even gone so far as to say that a single gunboat could sweep one-half of our harbors. If a single gunboat could now sweep most of our harbors, Mr. W. said he should like to know what eleven hundred and thirty vessels of war could do, even when opposed by our whole force of ten frigates! The gentleman from Massachusetts had said it would be cheaper to keep these vessels in actual service than in their present situation. Mr. W. said he supposed that the gentlemen meant that they would rot faster in their present situation than if they were at sea. He said he was for keeping them where they were, and would rather contribute to place them in a situation where they would rot faster. Mr. W. combated the arguments that employing the navy would afford relief to our seamen, and that the maintaining a navy on our coast would be more expensive to an European power than the support of a larger naval force by us. And he said we should never be able to man any considerable fleet except the constitution were amended to permit impressments, following the example of Great Britain.

The gentleman from Massachusetts (Mr. STORY) had said that except we begun with this bill, and got his fast-sailing frigates, we should never regain our rights. If that were really the case, Mr. W. said he was ready to abandon them. He considered that the sort of maintenance of our rights adverted to by the gentleman from Massachusetts, would be destructive to those rights. Gentlemen must have forgotten that when Hamburg was in the greatest state of prosperity, she did not possess even a single gunboat. Why! there was not wealth enough

in this whole nation, if every one were to carry his all, thus to maintain our rights against the navy of Great Britain. If we were carried into a war, and every thing really seemed to be tending that way, we must rely upon the enterprise of our citizens; and that, when set at liberty, would be found more desperate than the navy of any country. When we arrived at the end of the Revolutionary war we had but one frigate, and the best thing we ever did was to give that one away. The State of South Carolina had not yet got clear of the curse. She embarked one frigate in the general struggle, and she had not rid herself of the debts incurred by it yet. Private enterprise must be depended upon. The people from the Eastward had shown in the last war what they would do. When vessels were loaded with sugar they would fight like bull-dogs for it. He recollected a story, he said, of one of our privateers being beat off by a Jamaica man, whom they attacked. The captain not liking to lose the prize, and finding his crew disheartened, told them she was full of sugar. "Is she?" said they, "by G—d; let us at them again." They scarcely ever failed in their enterprises.

In allusion to the case at Savannah, Mr. W. regretted that an insult should be offered to the people of the country. The insult at Savannah had by this time been redressed, he had no doubt. He had no information to induce him to believe so, but the knowledge that the sloop-of-war Hornet was stationed off Charleston, and of course cruised near the place. The Hornet was perfectly adequate to drive any vessel of twenty guns out of our waters. She was one of the best vessels of the United States, and as well officered as any. [Mr. TROUP observed that the Hornet was off Charleston. Now, he wanted a frigate at Savannah.] Mr. W. said that Savannah was the very place where gunboats would be perfectly effectual. He meant to make no reflection against the proposer of the gunboat system, but he did against those who had only given one-half of the system, and omitted the other—the marine militia. And now, when an attack was menaced at Savannah, gentlemen wanted a frigate! If nine-tenths of the people were opposed to the evasions of the embargo law, Mr. W. said it would not be evaded. The evaders would be considered as traitors—as the worst of traitors. As to preparing a force for the protection of navigation, the gentleman from Georgia must well know that the whole revenue of the United States would not be competent to maintain a sufficient number of vessels to convoy our merchantmen.

Mr. W. concluded by saying, that he wished the nation to be protected, and its wrongs to be redressed; but when he reflected that at Castine the soil had been most abominably violated, he could not view the insults in our waters as being equal to it; for, said he, touch the soil and you touch the life-blood of every man in it.

Mr. DURELL considered the present subject as one of the most important which had been in-

troduced at this session. It would indeed be difficult to reason gentlemen into a modification of a principle to which they were opposed throughout; but he trusted that this House was not generally so disposed. He believed that a large majority of the House were at the present moment in favor of embargo or war, because the House had been so distinctly told by a committee on our foreign relations, that there was no alternative but submission; and almost every gentleman who had the honor of a seat within these walls, had committed himself on the subject, either to persevere in the embargo or resort to war. What would be the object of a war? Not the right of the soil, not our territorial limits, but the right of navigating the ocean. Were we to redress those wrongs, those commercial injuries, on the land? Not altogether, he conceived. Would it be good policy, he asked, to let our means of carrying on war on the ocean rot in our docks, and not make use of them? These vessels would also be useful as a defence. Why then should they not be manned and put in readiness for service? It was said that we could not cope with the British navy. Mr. D. said this argument proved too much, if it proved any thing. If he did not feel perfectly comfortable in a cold day, should he therefore divest himself of all clothing? Why send out the sloop of war Hornet, alluded to by the gentleman last up—why rely upon it for redressing the insult at Savannah, if naval force was useless? It was no reason, because Great Britain had more vessels than we, that we should not use what we had. Indeed, those gentlemen who objected to naval force, appeared to be mostly from the interior, and of course could not properly estimate its value.

Mr. SAWYER was wholly opposed to the amendments from the Senate. The objection to this particular increase of naval force on the score of expense, was not to be disregarded. He called the attention of gentlemen to the state of the Treasury. The expense of this system would be three millions; and when this sum was added to other sums which would be requisite if measures now pending were adopted, it would render it necessary for Congress now to borrow money on the credit of posterity. The expedient of direct taxation would not be resorted to. It had already been the death-blow to the political existence of one Administration. This Government, he said, was founded on public opinion, and whenever the approbation of the people was withdrawn, from whatever cause, the whole superstructure must fall.

Mr. S. dwelt at some length on the disadvantage of loans. He said, if this nation was destined to raise a navy for the protection of commerce, it should have begun earlier, in the year 1793, when such outrageous violations had been committed on our commerce. The expense of such an establishment would have far exceeded the amount in value of captures made since that period. He concluded, from a number of obser-



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*Extra Session.*

[H. OF R.]

vations which he made on this subject, that, on the score of the protection of trade, it would not be proper to fit out a navy. This proposition, he said, was the mere entering-wedge. The system was either unnecessary, or would be wholly futile in practice. Our seamen would cost us at least double of what is the expense of her seamen to Great Britain; and it required her utmost exertions to pay the interest of the enormous debt with which her unwieldy navy had saddled her. He therefore certainly thought that an attempt to justify it on the score of profit would not succeed. He deprecated the extension of Executive patronage, which would result from an increase of the Naval Establishment. Need he go back, he asked, to the time when the black cockade was necessary, in some parts of the country, to secure a man from insult from the officers of the navy? He wished to limit the Executive patronage; to adhere closely to the maxims of our forefathers. By sending out a navy, too, he said, we should volunteer to support the ascendancy of the British navy, become the mere jackals of the British lion. Mr. S. went at some length into an examination of the former Administration in relation to a navy. There was nothing, he observed, in the nature of our Government, or of our foreign relations, to require a navy. If we could not carry on foreign commerce without a navy, he wished to have less of it and more of internal commerce, of that commerce which the natural advantages of the country would support between different parts of it. If we were to build a navy for the protection of foreign commerce, we should throw away our natural advantages for the sake of artificial ones. He was in favor of the embargo at present. There was more virtue in our barrels of flour as to coercion than in all the guns of our navy; and we had lately given our adversaries a supplementary broadside, which he hoped would tell well. Mr. S. stated the origin and progress of navies at some length, commencing with the Republic of Genoa. Our chief reliance as to defence must be on our militia. So little did Great Britain now rely on her navy for defence of her soil, that she had called upon every man in the country to be at his post, if danger came. Other nations might be justified in supporting a naval force, because they had colonies separated from them by the sea, with whom they were obliged to have means of intercourse, but we had not that apology for a navy. Mr. S. concluded his observations, after speaking near an hour, not, he said, that he had gone through the subject; but, as it was late in the day, he yielded the floor to some other gentleman.

Mr. J. G. JACKSON said, that gentlemen should not be influenced, in discussing the present question, by a belief that they were now discussing the propriety of raising a naval force for offensive purposes. This was not the question. It was only whether, at this crisis, the House would employ a little force for the pur-

pose of resisting attacks made on our territory at home. The gentleman from South Carolina (Mr. WILLIAMS) had said that an attack on the soil touched the life-blood of every man in it. Yes, Mr. J. said, it did; whether the invasion was on our jurisdiction, on land or water, it touched equally the life-blood of the nation. He would as soon resist an attack on our territorial jurisdiction on sea as on land. It made no difference with him whether a foreign frigate came up to the piles of Potomac bridge and fired over into the town, or whether its crew came on shore and assaulted us with the bayonet. The territory, he said, was equally invaded in either case. Were we not to resist Great Britain because of her 1,180 sail of armed vessels? This would amount to a declaration that we must succumb to her, because she could at any time send a squadron sufficient to destroy our naval force at a single blow. This was the tendency of the argument. Mr. J. said it would be more honorable to fight, while a single gun could be fired, notwithstanding her overwhelming force. This mode of reasoning had a tendency to destroy the spirit of the people. He would never consent to crouch before we were conquered; this was not the course of our Revolutionary patriots, and he trusted it was one which we should not follow. He would rather, like the heroic band of Leonidas, perish in the combat, although the force of the enemy was irresistible, than acknowledge that we would submit. This naval force was not, however, intended to cope with the navy of Great Britain, but to chastise the petty pirates who trespassed on our jurisdiction; pirates, he called them, because the British Government had not sanctioned their acts. It had not justified the murder of Pierce, or asserted the right of jurisdiction claimed by an officer within the length of his buoys, &c., because, if she had, it would have then been war. For this reason he wished our little pigmy force to be sent on the ocean, notwithstanding the giant navy of Great Britain. Some gentlemen had opposed this on the score of expense. Our most valuable treasure, Mr. J. said, was honor; and the House had almost unanimously declared that it could not submit without a sacrifice of that honor.

SATURDAY, JANUARY 21.

*Extra Session.*

On motion of Mr. SMILE the House resolved itself into a Committee of the Whole on the bill to alter the time of the next meeting of Congress.

Mr. J. G. JACKSON moved to strike out the "fourth" Monday in May, and insert the "last," stating as a reason, that as the Virginia elections took place in April, the Representatives could not arrive here in time.

Mr. MAOON wished a division of the question so as first to strike out, with a view to insert "September," instead of May. The motion to strike out was negatived—62 to 35. It was

supposed that this question tried the principle of the bill.

The committee rose and reported the bill.

Mr. D. WILLIAMS moved to strike out May for the purpose of inserting "September."

Mr. MILNOR hoped the motion would not be agreed to. If the new Congress could commence its session on the 4th day of March next, he said he should think it extremely proper that it should do so. And, if he could think that the majority would fix an earlier day than the fourth Monday of May for the meeting, he should vote for the present motion. He agreed with gentlemen that this was a momentous crisis; that the country was in a situation of extreme difficulty and danger. It appeared to him, therefore, that Congress, who were the guardians of the public welfare; to whom were confided the destinies of the nation, so far as the nation could control them, should be constantly in session, till a more favorable state of affairs took place. It was possible, but was it probable that any event would occur to alter our situation for the better? There was no hope that the belligerents would recede from their injurious restrictions on our commerce. It was not probable that any thing would occur which would do away the necessity of an extra session. The present Congress having determined to persevere in the embargo and the present system of measures a while longer, the peace and welfare of the country required that a different system should be adopted. The present had been sufficiently tested, and would never produce those effects anticipated from it. It was proper that an early opportunity should be given to the next Congress to approve the present system, or give it up and adopt some other in its stead.

Mr. D. R. WILLIAMS said he was opposed to Congress coming here at the time proposed. Why should they come here then? He wished some one to answer, and let him understand why they were coming. In his opinion there was every possible objection to such a procedure. On the fourth day of March, a new President comes into power. Is it not presumable that the President would choose to have some communication with our Ministers abroad before the meeting of Congress? Could any man say that it was not proper that he should have it? Mr. W. said he hoped that the President would send special messengers, unfashionable as that policy was. If you are willing to wait for a declaration of war till the fourth Monday in May, will there be any necessity of declaring it before the first Monday in June or July? You have suffered the public mind to assuage in its resentment, and I very much doubt, that before a full experiment be made of the embargo, it will be wholly allayed. It has been said through the nation, and indeed avowed on this floor, that the Administration does not wish for peace. Having failed to take hold of the affair of the Chesapeake for a declaration of war, you have nothing now to give the people that interest which I hope they always will

have in a declaration of war. Suppose you were to send special Ministers, and they were to be treated as our Ministers to France were under a former Administration, would not this treatment make every man in the nation rally around you? Would it not prove beyond doubt that the Administration was sincere in its wishes for peace? Undoubtedly it would. Why are your Ministers now loitering in foreign Courts? With a hope of accommodation, sir, I would send other Ministers there, and if they failed of immediate accommodation, would order them all home. If they are compelled to return, you will have the whole nation with you, which you must have when you go to war.

Mr. J. G. JACKSON replied to Mr. WILLIAMS. The gentleman had asked emphatically why Congress should convene here in May. Occurrences of every day, said Mr. J., are presenting themselves in such a way as to render it highly important and necessary that some other ground should be taken. Are we to adhere to the embargo forever, sir? I have said, and again say, that a total abandonment of the ocean would be submission. I think, by passing this bill, we give the nation a pledge that it shall be the *ne plus ultra*, which shall give to foreign nations time to revise their conduct towards us, and will give them time to consider whether or not they will have war with us. The gentleman wants a special mission. Sir, are we to continue in this state any longer? Shall negotiation be spun out further? No man can doubt the capacity of our Ministers abroad, and their disposition to represent their Government correctly. The doors are shut in the face of our Minister at the Court of St. James, and worse than shut at the Court of St. Cloud—for, from the latter, contemptuous silence is all the answer we have received, if indeed silence can convey an answer. Are we to renew negotiation, then, when every circumstance manifests that it would be useless? Need I refer to what took place the other day—I allude to the publication of a letter by Mr. Canning, in a highly exceptionable manner, through Federal presses, or presses more devoted to the interests of that country than any other? One universal burst of indignation accompanied the publication of that letter in this House. And are we, under such circumstances, to renew negotiation by extra missions? I conceive that the cup of negotiation and conciliation is exhausted to the dregs, and that we should but further degrade ourselves by sending further extra missions. It has been stated to me that a proposition had actually been reduced to writing by a member of this House the other day for sending away foreign Ministers and calling our Ministers home, and I am sorry that the proposition was not offered to the House, for, under present circumstances, it might not have been improper to have adopted it.

Mr. SMILEY said, if there were no other reason, the present suspension of commerce, and discontents at home, were sufficient reasons for calling

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*Extra Session.*

[H. OF R.]

Congress earlier than the first Monday in December. When the new Administration should come into office, it was proper that they should have an opportunity of meeting Congress as early as possible. It was his opinion that, at the next session, a change of measures would take place. What would be the substitute for the present measure he could not say; but, at this time, he must say that he could see no way of avoiding war. With regard to extra missions, he really had no idea of a measure of that kind. If there should be any other means to secure the interest and honor of the nation but war, he hoped in God that it would be adopted, but he did not now see any such prospect.

Mr. RHEA, of Tennessee, said it was of no importance in the consideration of the present question what the next Administration should think or do. He wished that there could be an understanding with foreign nations for our good, but he much doubted such a result. He would not undertake to say whether war, or what other measure, ought to be adopted at the extra session; but, it was his opinion, that Congress ought to meet, and he should vote against every proposition going to defeat the object of the bill. Although this nation had not immediately retaliated the attack on the Chesapeake, would any man rise on this floor and say that the act of dishonor was done away because the House refused immediately to avenge it? He believed not; and, as long as it remained unatoned, it was cause for this nation to act. The only question for the House now to determine was this: Are there reasons to induce gentlemen to believe that a meeting of Congress is necessary on the fourth Monday of May next? As it appeared to him that such reasons did exist, he said he was bound on his responsibility to vote for the bill.

Mr. DURELL asked if gentlemen meant to continue the embargo forever. He believed somewhat in the doctrine that an explosion might take place under it in a certain portion of the country. Gentlemen said an extra session was, therefore, necessary to save the nation. Mr. D. asked if the nation was to be saved by long speeches? He had seen almost two whole sessions of Congress pass away, the one of six months, the other of three, and the nation in the same situation still, and still told, in long stories, from day to day, that it was in a critical situation. He had no idea that the nation was to be saved by much speaking. He did firmly believe, that more than forty-eight hours would not be necessary to pass all laws to meet the impending crisis. If a declaration of war was thought proper, this would be sufficient time for it; if an extraordinary mission, as suggested by the gentleman from South Carolina, forty-eight hours would be time enough for the House to decide on recommending it. The present was a state of suspense, from which the nation ought to be removed, and he was unwilling to prolong this state by the passage of the bill.

Mr. BURWELL said he was one of those who would vote for an earlier meeting of Congress than usual. In Great Britain, in whose government there were some features approximating to ours, there was always an uneasiness, least the Parliament should not meet often enough. Whence could be the objection to Congress meeting at an earlier day? If the public sentiment was not then prepared for war, it would not be adopted. It appeared to him than an early session, instead of producing mischief, would essentially contribute to tranquillize the minds of the people. If peace was attainable, we must have peace; but if not, we have no choice but war. The gentleman from South Carolina suggests the propriety of sending a special mission, said Mr. B. Let me ask him, if Administration should not take this course, whether it would not be perfectly proper that Congress should be in session? Certainly it would. With respect to a special mission, Mr. B. said he was perfectly at a loss to conceive what could be the nature of any proposition which could be made to Great Britain. A proposition had already been made to her, in effect, to go to war with her against France, and insultingly refused; for no other interpretation could be made of the offer to suspend the embargo, if she would rescind her Orders in Council, except Mr. Canning chose to misunderstand every thing that could be said. Unless gentlemen would point out some new proposition, which could be made to Great Britain or France, he could not see the propriety of the course recommended. As to the continuance of the embargo, Mr. B. said it seemed to be perfectly well understood by every man, that when the Government determined on that course, it did not determine to persevere in it eternally. If it could be made manifest to him that any particular favorable consequence would be produced by postponing the session beyond the fourth Monday in May, he might be induced to accede to it. As to the disposition of the Administration to preserve peace, could the gentleman conceive it possible to remove the impressions of those who were determined not to be convinced? This nation had sued for peace, but in vain; they had offered to give up almost every thing in contest, if Great Britain would yield a thing which neither Mr. Canning nor any other member of the British Government ever said they had a right to do, and which was only justified on the ground of necessity. There was therefore no plausibility in the assertion that peace had not been earnestly sought for.

Mr. G. W. CAMPBELL said that if nothing occurred between this time and the time proposed by the bill for the next meeting of Congress, which would particularly render a change necessary, he was yet of opinion that it would be then necessary to change our situation; for this reason: that at that period, time sufficient would have elapsed to give us information as to what ground Great Britain would take, after

she had heard of the position which Congress had maintained. After that ground was taken, Congress would know how to act. I never voted for the embargo as a permanent measure, said Mr. C., nor did I ever use an expression which would authorize such a supposition; nor do I suppose that any other gentleman entertained such an idea. As to a special mission, I should as soon think of sending a special messenger to the moon as to Great Britain or to France, for the cup of humiliation is exhausted already, and I will never put it in their power to offer us another cup.

Mr. MAOON said he had not intended to have said any thing, but that the gentleman from Virginia (Mr. BURWELL) had broached a doctrine which he did not approve—that this Government was like that of Great Britain.

Mr. BURWELL explained that he had said that the Governments were, in some of their features, alike.

Mr. MAOON said that the reason of the fear in Great Britain that the Parliament would not meet often enough, was extremely obvious. The only voice which the people had was in the House of Commons, and they wanted them to be always in session, to keep the King and nobility off from them. In Great Britain the King dissolved Parliament at his pleasure. Here, he said, there was no power to dissolve Congress. Indeed, there was no similarity in the two Governments. He said he had no fear of any mischief being done by Congress meeting earlier; but he was opposed to their meeting earlier, because they would do more good by staying away. Could any man say what would take place between this day and the third of March? And yet the House were now called on to determine on an extra session. He was for giving such time, after the deliberations of the present session closed, as that Great Britain might see what we had done, and consider whether she would retract or go to war, for if she did not retract, war must be the consequence. Mr. M. said he would give every opportunity for peace; he would not be for hurrying the matter. He had no opinion that Congress being in session would have any effect on the people. The cry of an intention to destroy commerce was not to make him do a single thing which he would not otherwise do. No man can believe that we who raise produce should wish it to lie on our hands, as is now our situation. It is maritime rights for which we contend. For these we planters are making sacrifices, and we know it. As to the grower it is immaterial in point of interest into what ship or wagon his produce goes; but he is contending for the interests of his mercantile brethren. A great deal has been said about repealing the embargo to put an end to discontents. Let gentlemen beware of it, lest in trying to please everybody, they please nobody. Let us do what is right, that is the only ground for us to take. Whenever we begin to temporize, that principle is abandoned. I disa-

gree with the gentleman from Tennessee as to the expediency of continuing the embargo; I do not believe that it would be inexpedient to try it beyond May. I believe we ought to try it beyond September. This is my opinion. What effect do gentlemen expect that the embargo will have had in May? Not more than at this moment. While every day from that time till September, it will be more and more effectual. I never voted for it as a permanent measure; but my opinion was, as I stated it, that it might be necessary to hold on to it for one, two, or three years. I might be wrong, but this was my opinion then, and I have not changed it. As to an extra session, I have never thought of it; but I am willing to leave it to the Executive. It has been so suddenly suggested, however, that I would not undertake to decide positively on the subject. I should rather incline to let them send to us now; we have sent to them long enough. As to the people being tired of the embargo, whenever they want war in preference to it, they will send their petitions here to that effect. When gentlemen from the Eastern States say, that the people there are tired of it, perhaps they speak correctly. As to all the talk of insurrections and divisions, it has no effect on me. When the sedition law was passed under the former Administration, it was said that the people would not bear it. I thought then as now, that the elections would show their disapprobation, and that they would manifest it in that way alone. When the people are tired of the embargo, as a means of preserving peace, they will tell you so, and say, "Give us war!" But none have said so; and yet, sir, I know well that myself and some others are blamed for our adherence to this measure. I can only say, that it is an honest adherence. I do believe that the continuance of that measure, with the addition of a bill now on your table, (non-intercourse bill,) is the best thing you can do; and if I thought that Congress would declare war in May, I should be much more averse to meeting then than I am now; but I do not believe it will.

The question was now taken on the motion of Mr. D. R. WILLIAMS to strike out the words "fourth Monday in May," and lost.

No other amendment being offered to the bill, it was ordered to be engrossed for a third reading. The bill being brought in engrossed, a motion was made that the same be read the third time to-morrow: and the question being put thereupon, it passed in the negative.

A motion was then made by Mr. SMITH, that the bill be now read the third time; and the question being taken thereupon, it was resolved in the affirmative.

The said bill was, accordingly, read the third time: Whereupon, Mr. SPEAKER stated the question from the chair, that the same do pass? And, the question being taken, it was resolved in the affirmative—yeas 80, nays 26.

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Electoral Votes.

[H. OF R.]

MONDAY, February 6.

*Presidential Election.*

Several petitions having been presented, in addition to those heretofore stated, against the mode in which the late election in the State of Massachusetts was conducted—

Mr. BACON offered the following resolution :

*Resolved*, That the Clerk of this House do carry to the Senate the several memorials from sundry citizens of the State of Massachusetts, remonstrating against the mode in which the appointment of Electors for President and Vice President has been proceeded to on the part of the Senate and House of Representatives of said State, as irregular and unconstitutional, and praying for the interference of the Senate and House of Representatives of the United States, for the purpose of preventing the establishment of so dangerous a precedent.

Mr. J. G. JACKSON said he saw no objection to the resolution, or even to going farther than it proposed. The constitution had declared that the election of Electors in each State should be held in such manner as the Legislature should direct ; and, he said, he never could consent to the doctrine that any set of men, without the authority of law, could make an election of Electors. He believed that the case was not provided for ; and as the present case could not vary the general result of the Presidential election, gentlemen appeared not to be disposed to interfere in it. But, he hoped it would operate on the House to induce them to consider the propriety of providing some mode of hereafter distinguishing between legal, and illegal or surreptitious election.

Mr. VAN HORNE moved to strike out the words in *italic*, as he understood them as committing the House to express an opinion on the subject of the petitions. Motion lost—yeas 18.

*Opening and Counting the Electoral Votes for President and Vice President.*

Mr. NICHOLAS offered the following order :

*Ordered*, That a message be sent to the Senate to inform them that this House is now ready to attend them in opening the certificates and counting the votes of the Electors of the several States, in the choice of a President and Vice President of the United States, in pursuance of the resolution of the two Houses of Congress of the 7th instant ; and that the Clerk of the House do go with the said message.

Mr. RANDOLPH said it had sometimes been the case, he did not say it had been the practice, that this House had met the other branch of the Legislature in their Chamber, for the purpose of counting the votes ; in which cases, very properly indeed, this House being in the Chamber of the Senate, the President of that body had taken the chair. Mr. R. said he now understood that it was proposed, without any vote of this House for the purpose, that the President of the Senate was to take the chair of this House ; that the Speaker was to leave the chair, to make way for the President of another body. To this, he, for one, could never consent. I conceive, said he, that such a pro-

ceeding would derogate, very materially, from the dignity, if not from the rights of this body. I can never consent, Mr. Speaker, that any other person than yourself, or the Chairman of the Committee of the whole House, should take the chair, except by a vote of the House. I hope, therefore, that this matter may be well understood. I conceive it to be a respect which we owe to ourselves, and to the people, whose immediate representatives we are, never to suffer, by a sort of prescriptive right, the privileges of this House to be in anywise diminished, or its dignity to fade before that of any other assembly of men whatever.

Mr. NICHOLAS said he was as unwilling as any other gentleman to surrender the privileges of the House. When assembled as the House of Representatives, he agreed that none but the Speaker should take the chair ; but, on the occasion of counting out the votes, he did not consider the House of Representatives to be formed as a distinct body. In meeting on this occasion, he said, it always had been usual, since the establishment of the Government, for the Vice President of the United States, or the President *pro tempore* of the Senate, to take the chair. There was, also, a propriety in this course, because, by the constitution, the Vice President is to open the votes. For twenty years the practice had been that the President of the Senate presided in joint meeting.

Mr. NICHOLAS moved, in order to do away any difficulty in this case, that when the members of the Senate were introduced, the Speaker should relinquish the chair to the President of the Senate.

Mr. DAVENPORT supported this motion. He had no doubt of the propriety of the President of the Senate presiding at a joint meeting, more especially, as he was the person designated by the constitution for counting out the votes.

Mr. RANDOLPH said that if this course were taken, the Senate ought to be notified of this act of courtesy on the part of the House ; if not, it might appear that the President of the Senate took the chair as a matter of right. He said he knew that, to many persons, matters of this sort appeared to be of minute importance, but in every thing touching the privileges of this House, as it regarded the claims of the other co-ordinate branches of the Government, he would stickle for the ninth part of a hair. It was well known that, in England, the privileges of the Commons had been gained inch by inch from the Kings and Nobles by a steady perseverance ; and that man must have very little knowledge of mankind, indeed, who was not persuaded that those privileges might be lost, as they were gained, by gradual and imperceptible encroachment on the one hand, and tacit yielding on the other. This was not a matter of great consequence in itself ; but power always begot power. It was like money, he said ; any man could make money who had money. So any man, or body of men, who had power, could extend it. I have no objection,

said Mr. R., very far from it, to the constitutional exercise of the powers and privileges of the Senate. Let their President count the votes, sir; there is a very good chair for him in which the Clerk now sits. But, on what principle is he to come into the House with the consciousness that he has a right to throw you out of the chair, sir, and take possession of it? I have no idea of suffering a man to come through those folding-doors with such a sentiment. If he comes into this House, he comes from courtesy, and cannot assume your chair, Mr. Speaker, as a matter of right, but as a favor. And, if the President of the Senate takes possession of your chair as a favor, it ought to be announced to the Senate as such; for, the mere vote on our side amounts to nothing, provided that he, and the body over whom he presides, come into this House under the knowledge, (without an intimation from us,) that you are to leave your chair, and he is to take possession of it.

Mr. SMITH observed that there was no fear of the privileges of this body being encroached upon by any other, for there was a written constitution, prescribing the powers of each body; and, at the same time that it was proper to be careful of their own rights, he said the House should be careful not to infringe on the rights of the other body. In respect to this question, there was a case in point. In one instance while Congress sat at Philadelphia, the Senate had come into the Representatives' Chamber to count out the votes, and the President of the Senate had taken the chair as a matter of right. We, said Mr. S., are sitting as a convention of the two Houses, for a special purpose, viz: to count out the votes. Who is properly the presiding officer in this case? Unquestionably the officer directed by the constitution to open the votes. And I consider the Speaker of the House, on this occasion, as acting in the same capacity as any other member of the House.

After some further observations on the subject from Messrs. MASTERS, LYON, and MACON, the motion of Mr. NICHOLAS was agreed to—yeas 98.

Mr. RANDOLPH then moved that the Senate be acquainted, by message, of this arrangement. Agreed to—yeas 73.

The resolution first offered by Mr. NICHOLAS was then agreed to.

On the suggestion of Mr. VAN DYKE, it was agreed that the members should receive the Senate standing and uncovered.

The time for counting the votes having arrived, the members of the Senate, preceded by their Sergeant-at-Arms, entered the Representatives' Chamber, Mr. MILLEDGE, the President *pro tempore*, took the Speaker's chair, and the members took their seats on the right hand of the chair. The tellers were ranged in front, and the Clerks of each House on the right and left of the tellers. The President of the Senate opened the electoral returns, one copy of which was handed to the teller of the Senate, Mr. S.

SMITH, who read it; the tellers of the House, Messrs. NICHOLAS and VAN DYKE, comparing the duplicate returns handed to them.

When this business, which occupied about two hours, was concluded, the tellers handed their report to the President of the Convention, who was proceeding to read it, when

Mr. HILLHOUSE observed that the returns from one of the States appeared to be defective, the Governor's certificate not being attached to it. He thought that this might be as proper a time to notice it as any.

Nothing farther being said on the subject, however, the President of the Senate read the following statement of the votes, as reported by the tellers:

(For the statement of the votes see Senate proceedings of the same day, *ante*, p. 27.)

THURSDAY, February 9.

*Non-Intercourse.*

Mr. TAYLOR said it would be recollected that, in the course of the public business of this session, a resolution reported by a committee on our foreign relations arising out of a motion of a member from North Carolina, for the purpose of interdicting commercial intercourse with such belligerents as had in force decrees or edicts against the lawful commerce of the United States, had been agreed to and referred to the same committee, who had reported a bill for non-intercourse. This bill in fact, however, comprised but one-half of the whole subject embraced by the words "non-intercourse." The bill as reported to this House provided for the non-importation of the goods, wares, and merchandise, the growth and manufacture of these particular countries. That (said he) may be readily accounted for, from the circumstance that the House was then actually engaged in passing a law for the enforcement of the embargo, the committee therefore having only in view the other part of the question, so as to complete a non-intercourse. After that bill was reported, a gentleman from Tennessee, (Mr. REHA,) in order that the whole might be incorporated into one, offered a resolution for that purpose. I did think it unnecessary at that time; but as the course of business seems to look towards a repeal of the embargo, in order that the whole subject of non-intercourse may be incorporated in the bill before the House, I move that the Committee of the Whole be discharged from the consideration of the bill, and that it may be referred to a committee, in order that it may be made in fact what the title imports it to be, completely, a bill for non-intercourse between this country and those nations having in force decrees affecting our neutral rights.

The Committee of the Whole was discharged from the further consideration of the bill, yeas 72.

The effect of the votes of this day, is to re-

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*Non-Intercourse.*

[H. OF R.]

fer to the Committee on Foreign Relations, composed of Messrs. G. W. CAMPBELL, NICHOLAS, RACON, TAYLOR, FISK, J. MONTGOMERY, MUMFORD, CHAMPION, and PORTER, the several propositions for the repeal of the embargo, for arming the merchant vessels, for non-intercourse, for excluding armed vessels from our waters, and for declaring the first capture made in violation of the neutral rights of the United States to be a declaration of war, &c., with leave to report by bill.

The chief argument in favor of this general reference was, that these propositions might be merged in one bill which should present a general system, and thus render less complicated the proceedings of the House on these resolutions. The main arguments against it were, that it would destroy all that had already been done in Committee of the Whole, and probably present a system at length to the House which would not be approved, and thus produce no other effect at this late period of the session than to protract discussion; and also that it would encourage that speculation now going on in the mercantile towns, and be ruinous to many men of moderate capitals who had embarked their all in the purchase of produce, in the certainty that the embargo would be raised on the 4th of March.

TUESDAY, February 14.

*Additional Duties.*

The House resolved itself into a Committee of the Whole on the bill for imposing additional duties on all goods, wares, and merchandise imported into the United States.

[This bill provides "that an additional duty of — per centum on the permanent duties now imposed by law upon goods, wares, and merchandise, imported into the United States from foreign ports or places, shall be laid, levied and collected upon all goods, wares, and merchandise, which shall, after the thirty-first day of January, 1809, be imported into the United States from any foreign port or place; and a farther addition of ten per centum shall be made to the said additional duty in respect to all goods, wares, and merchandise, imported in ships or vessels not of the United States; and the duties imposed by this act shall be levied and collected in the same manner, and under the same regulations, mode of security, and time of payment, respectively, as are already prescribed by law, in relation to the duties now in force on the importation of articles imported from any foreign port or place. That this act shall continue in force until the first day of April, 1810, and no longer: Provided that the additional duties laid by this act, shall be collected on such goods, wares and merchandise, as shall have been imported previous to the said day."] ]

WEDNESDAY, February, 15.

*Non-Intercourse.*

On motion of Mr. NICHOLAS, the House resolved itself into a Committee of the Whole on the bill for interdicting commercial intercourse between the United States and Great Britain and France, and for other purposes.

Mr. MILNOR moved to strike out the first section of the bill, with a view to try the principle of the non-intercourse system. In support of this motion, he alleged the impossibility of carrying the system into effect; for he conceived that the embargo had been ineffectual from the impossibility of carrying it into complete effect, and the proposed system would be as difficult to enforce. He thought that it would be impossible to carry a non-intercourse system into effect, as long as vessels were permitted to go to sea. He had many other objections to this bill, among which were these: that, although it raised the embargo only in part, the permission to vessels to go out, would render the provision for a partial embargo nugatory; that, if the bill were to pass in its present shape, it was to be doubted whether any revenue officer of the United States would understand the duty enjoined on him by it; that a time only two days previous to the meeting of the next Congress was fixed upon as the day upon which the non-importation should go into operation, and thus the bill appeared to manifest a distrust of that Congress, who certainly would be more competent than the present Congress to decide on its propriety at that time; that a non-intercourse between these countries, would but compel our citizens to pay a double freight to and from the entrepôt, without producing any other effect than injuring our own citizens; that goods from these countries, although their importation were interdicted by law, would be introduced nevertheless; that the extent of the territory and seacoast of the United States was so great that all efforts to interdict the importation of goods must be ineffectual, for they would be introduced contrary to law; thus depriving the United States of the revenue which would be derived from them, if their importation were permitted by law. Rather than accept this system, Mr. M. thought it would be better that this country should remain yet longer under the pressure of the embargo, which he had no doubt must be repealed early in the next session.

Mr. QUINCY entered at considerable length into an examination of the system of coercion on foreign nations, by means of commercial restrictions. The idea of the efficacy of this system, he traced to a deeper root than any Administration under this Government. It was an error of the American people, originating in a period antecedent to the Revolution; it grew out of our colonial regulations. It began to be a favorite belief with the people, antecedent to the year 1760, and was then fostered by the patriots of that day, the idea being also encour-

aged by the patriots of England. Mr. Q. entered into a comparative statement of the exports from and imports to Great Britain from America at two different periods, viz: the nine years preceding the year 1775, and the nine years succeeding it, with a view to show that the average imports into Great Britain from all the world, during the nine years' peace with this country, amounted to about one-thirteenth more than the average imports during the same period of war; and the exports diminished, nearly in the same proportion. From his statements on this head and a comparison of the present relative situation of the two countries, Mr. Q. drew the inference that this supposed means of coercing the European powers, did not exist. He deemed it peculiarly unfortunate that a confidence in this power of coercion had so long existed, as it had prevented the United States from making preparations which they otherwise might have made. He hoped the idea would now cease. In relation to our present situation, he recommended a plain remedy, comprised in two words: "Follow nature." What did she first dictate for remedying any complaint? The removal of all obstructions on her operations. Mr. Q. therefore recommended the removal of the embargo, the repeal of the non-importation act, and the abandonment of the non-intercourse system. He wished "peace if possible; if war, union in that war;" for this reason, he wished a negotiation to be opened unshackled with those impediments to it which now existed. As long as they remained, the people in the portion of country whence he came, would not deem an unsuccessful attempt at negotiation to be cause for war; if they were moved, and an earnest attempt at negotiation was made, unimpeded with these restrictions, and should not meet with success, they would join heartily in a war. They would not, however, go to war to contest the rights of Great Britain to search American vessels for British seamen; for it was a general opinion with them that if American seamen were encouraged, there would be no occasion for the employment of foreign seamen. A removal of the embargo, without adopting any other measure, until the event of negotiation had been tried, Mr. Q. said, would first prevent any collision with the belligerents which might tend to embarrass negotiation; and, secondly, would give an opportunity to the country to ascertain what would be the practical operation of these orders and decrees, on our commerce; and give an opportunity to the next Congress to shape its measures according to their actual effect. If commerce did not suffer, the knowledge of this fact would supersede the necessity of any other measure, and peace would follow of course; if, on the contrary, a general sweep was made of all the property afloat, it would unite all parties in a war. Mr. Q. concluded a speech of two hours in length, by lamenting the state of the country, and invoking the spirit which "rides the whirlwind and directs the storm," to guide the nation to a happy result.

Mr. NICHOLAS replied to the observations of Mr. QUINCY on the subject of the legal opposition to the embargo laws in Massachusetts. He said if the laws of the nation were to be resisted in the manner in which he lamented to say that he saw it contemplated in one part of the community, it became the duty of this Legislature to meet it; it was not compatible with their duty to shrink from it. He could not consent that thirteen or fourteen States should submit to one. As men vested with certain powers by the constitution, Congress could not transfer the powers to any State Legislature or to any town. In relation to negotiating with measures of coercion in existence, Mr. N. asked, when did the violations of our rights commence? So long ago that the precise time could not be fixed. When did our coercive measures commence? In 1806. Mr. N. noticed the negotiators during whose Ministry abroad these injuries had commenced, and continued. Mr. King, Mr. Monroe, and Mr. Pinkney, all honorable men, had successively represented the United States in Great Britain. And could any thing be gathered from any thing they had ever written or said, to induce a belief that this Government had not acted with sincerity? There was the most conclusive evidence to the contrary. Mr. N. said, he would ask nothing of Great Britain or France that would tend to sacrifice their honor; and he wished, when gentlemen dwelt so much on the regard of foreign nations for their national character, that they would respect a little the character of our own country.

Mr. D. R. WILLIAMS said he had been decidedly in favor of issuing letters of marque and reprisal at once; he believed it would have cut off all that fungus matter now deteriorating the body politic—for the people of New England were as patriotic as any, and when the choice was between their own and a foreign country, they would cling to their own. It was the hot-bed politicians who stirred them up; and it was necessary to do something promptly to put an end to their intrigues. Mr. W. disliked the non-intercourse system throughout. If he could not get war, or a continuance of the embargo, he wished, inasmuch as Great Britain and France had each interdicted us from going to the other, to declare that neither their armed nor unarmed ships should contaminate our waters. This was a system which required no exertion of patriotism to carry into effect, which could excite no animosities between the North and South. In relation to the non-intercourse, he believed that it could not be enforced, and used a variety of arguments to show that it could not. If it could be enforced, he believed it would be prodigiously partial. If the embargo was to be taken off, and war not to be substituted; if the nation was to submit, he wished to do it profitably. If the embargo were raised as to a single spot, it was raised entirely to all effectual purposes. Then let your vessels go, said he, without let or hindrance; let them go and be burnt; your merchantmen will



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then feel that the embargo was a shield spread over them, and will come back to your protection, like the prodigal son, and unite like brethren in the common cause. Mr. W. said, his plan was to interdict the entrance of our ports to belligerent vessels, armed or unarmed, and lay a tax of fifty per centum on their manufactures. Great Britain must, then, either go to war or treat with us. If she was inclined to go to war in preference to revoking her Orders in Council, let her do so. But he was inclined to believe that she would treat. If she seized our vessels, however, the effect would be inevitable. Division amongst us would be done away, all would unite heart and hand in war. Mr. W. replied to a number of the observations of Mr. QUINCY, particularly in relation to his position that all obstructions ought to be removed with a view to negotiation. He asked, what security had the United States, if they did all this, if they submitted to such abject humiliation, that Great Britain would treat? Was it to be expected that she would treat more liberally with us, when we solicited as slaves, than she would while we magnanimously contended for our rights? The gentleman from Massachusetts, when repeating his creed, had forgotten a part, viz: "Unfurl the banners of the Republic against the imperial standard!" This would complete a project he had lately seen proposed from the East; and, as to its application, coinciding with the wishes over the water, would be just such a project as Mr. Canning might dictate. "Revoke your proclamation, remove the embargo," and "unfurl the republican banners against the imperial standard." Mr. W. concluded a speech of an hour and a half in length, with giving notice that he should move to amend the bill, when the present motion was decided, by striking out all that part of it relating to non-intercourse, and inserting a provision interdicting the entrance of our harbors to any vessels of Great Britain and France, and imposing an additional duty on all goods imported from those countries.

When Mr. W. concluded, the committee rose, and obtained leave to sit again.

THURSDAY, February 16.

*Additional Duties.*

The House resolved itself into a committee of the Whole, on the bill for imposing additional duties on all the goods, wares, and merchandise, imported into the United States.

The bill was amended so as to take effect "from and after the passage thereof."

The proposition offered by Mr. D. R. WILLIAMS, when the bill was before under consideration, was withdrawn.

Mr. Cook renewed the proposition, viz: to confine the duties to be increased, to goods imported from Great Britain and France, and the colonies of either; and spoke an hour and a half in support of his motion, and in opposition to the non-intercourse system. He was in

favor of discriminating duties, because he was opposed to the non-intercourse, which he considered the best means of depressing our navigating interest and advancing that of Britain; because the produce of the United States would be carried to some place of depot in the vicinity, and thence be carried to Europe in British bottoms, while a large proportion of American shipping would be inactive. He thought that, under the arming system, we could trade with at least as much honor and with much more profit than under the non-intercourse system. He contended that the non-intercourse system was precisely calculated to destroy that moral principle which had heretofore so strictly enforced our revenue laws; that the system of restriction was partial, operating so equally on the people of the South, that no individuals particularly suffered from it, while in the North and East individuals were ruined by it, and thus a general distress produced; that it would be the most discouraging act to the mercantile interest, ever passed by the Government, for it would throw the trade in all the produce kept in the country by the embargo into foreign hands at the expense of the American merchant; that the system could not be enforced with so extensive a frontier and seacoast as we possess; that it was a measure calculated to produce irritation on foreign nations, without having the least coercive effect; that it was a political suicide, without the consolation of company in it. Mr. C. was, with his constituents, in favor of further negotiation, and a firm assertion of our rights, which, if refused to be acknowledged, he would maintain. It was high time to abandon visionary schemes and impracticable projects, and to pass good, plain, common sense laws. He believed that this discrimination of duties and arming our merchant vessels would be such a law. He spoke more than an hour and a half.

Mr. C.'s motion was negatived by a very large majority. The committee then rose, and reported the bill.

The amendments made in Committee of the Whole were severally agreed to by the House; and, on the question that the bill be engrossed for a third reading, Mr. LIVERMORE called for the yeas and nays. There were for it 85, against it 27.

*Non-Intercourse.*

The House again resolved itself into a Committee of the Whole, on the bill for interdicting commercial intercourse.

Mr. MILLNER's motion for striking out the first section being under consideration—

Mr. NICHOLAS rose and addressed the Chair as follows:

Mr. Chairman: I shall not conceal or disguise my opinion; it has been and continues to be, that when the embargo shall cease, war will be the only proper and honorable course for this country to pursue, if reparation shall not have been made for the injuries we have received.

Under this conviction, I proposed a resolution limiting the duration of the embargo, and authorizing, at the same time, the issuing of letters of marque and reprisal. I trust, sir, I shall be pardoned for expressing the deep regret and affliction I feel for the failure of a measure so important in my judgment, to the best interests of my country. I voted for the embargo as a precautionary and as a coercive measure. In its first character, its wisdom must be admitted by all. Its effects as a coercive measure would, I believe, have been equally certain, if the misconduct of some of our own people, and the revolution in Spain, had not impeded its action. Unless we were determined to persevere in our claims for redress, and to assert our rights, the embargo, even as a measure of precaution, was unnecessary. It gave no protection to our property abroad, it gave it no security on its way home, it only preserved it after its return. When the injuries of which we complain were inflicted, our choice was between submission and resistance. We determined to resist, and commenced our resistance by laying an embargo, with the hope that it might of itself induce the belligerents to do us justice; and if this expectation were disappointed, that we might prepare for war, by preserving in our own possession our essential resources—men and money. If resistance was not our determination, I do not hesitate to say, that the embargo was unwise and unnecessary. If we intended ultimately to abandon our rights without another effort, we should have suffered less both in reputation and in property, by immediate submission, than by now receding from the ground we have taken. I do not believe that a single supporter of the embargo looked to it as the last resort of this country. For myself, I disclaim the impression, and declare that I was ready to abandon it for war, when its primary objects should be attained, and its coercive power fairly tested. I have stated that I considered the return of our citizens, the security of our property, and the employment of time in preparation for war, as the great and more certain effects of the embargo. All these advantages we have derived from it. I believe it is time to change our measures, and to place our future reliance upon Providence, and upon the energies and valor of our citizens. Upon this point, however, I think with a minority. There has been a vote of this House against immediate war. Under these circumstances what ought I to do? I must either vote against every expedient which falls short of what I deem the most proper course, or assent to that which accords most with what I think right. If it were my individual concern, I should certainly rely upon my own judgment: but when every thing dear to my country is at stake, I cannot justify to myself a pertinacious adherence to a proposition already rejected by a great majority, which would hazard the loss of a measure, the best, in my opinion, that can be obtained. After having offered what I thought the best, and seen it rejected, I think

with the gentleman from South Carolina, that I am at liberty, and that it is my duty, to unite with others in support of attainable measures which appear to me to be conducive to the interest of the country. The bill upon your table appears to me to be such a measure. It maintains our attitude towards the belligerents better than any measure which I have heard proposed, and if it be not the most effectual resistance, at least, it is not submission. It continues our solemn protest against their violations of our rights; it takes new, and in some respects, stronger grounds against them. It excludes from our waters, ports, and harbors, all their vessels, public and private; it excludes from our country all their products and manufactures; and forbids our citizens to debase and degrade their country by a commercial intercourse which would stain and pollute them with the payment of an ignominious tribute to a foreign nation. It reserves the great question to be decided by the next Congress, which will be informed of the wishes of the American people; who can best determine how far they will submit to have their rights trampled on, at the will and pleasure of foreign nations. By keeping the question open for their discussion, I have the utmost confidence that our rights, honor, and independence, will be maintained. The gentleman from Pennsylvania asked yesterday, why not repeal the embargo laws, and provide for the enforcement of this system by a new law? In addition to the reasons I have stated, I will mention another, which has great weight. We are told that one of the States of this Union is about to pass a law, imposing penalties on persons employed in the execution of those laws within that State. I will never consent, under these circumstances, to adopt any measure which might wear the aspect of yielding to a threat like this. No man laments more sincerely than I do, that the Legislature of any State should take such a step, but I think it of the utmost importance that the Government of the United States should maintain its authority, and that it should be ascertained whether its measures may at any time be embarrassed by the Legislatures of one or more States, or its laws annulled by their authority. Such could not, I believe, have been the impression either of the people or of the States when the General Government was formed; and if this conduct be persevered in or submitted to, it will, in effect, supersede the Government, and must speedily terminate in its dissolution. I hope and trust that the wisdom and patriotism of the Legislature of Massachusetts will not permit such a law to be enacted. Otherwise, I do not doubt that the people at the Spring elections, will choose men solicitous to heal, by every means within their power, the wounds inflicted on the constitution. It is a painful duty to notice this subject. I have ever been devoted to the Union of the States. I would cherish and support it at every hazard, and would sacrifice to its preservation every

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thing but the rights and liberties of one section, in compliance to the wishes of another. On such conditions it would be vassalage, not union. To yield in the present instance, would be yielding the Government to a minority. It is not practicable, however, to act upon the subject during the present session, nor do I wish it. I have the utmost confidence in the people of Massachusetts, and have no doubt but that their good sense will apply the proper corrective. If they do not, it will then remain for the other States, after giving to the subject the solemn and deliberate consideration which it merits, to decide whether they have a Government or not, whether it is compatible with their happiness and interests to preserve a Government whose acts are binding on them only who are willing to obey them; whether they will submit that the public officers of the United States shall be punished for the faithful performances of their duty.

I have confined my observations within as narrow limits as possible. It is not now necessary to speak of our injuries, of the necessity of resistance, nor even of the superior advantages of any particular mode of resistance; for it is, I believe, a very prevalent opinion in this House, as well as with the nation, that we have already deliberated enough, and that it is incumbent on us to act. I will, therefore, very briefly notice some objections I have heard to the bill. It is urged that our products will find their way to Great Britain and France, but certainly to Great Britain, by circuitous routes, and that we shall derive less profit from them on that account, than if a direct intercourse were permitted. This cannot be denied, nor is there a man who would not prefer a free trade with the whole world, if it could be enjoyed upon equal and honorable terms, to a commerce so limited and shackled as ours is at this time by the beligerent edicts. The question is not now how we can most advantageously avail ourselves of a momentary commerce, but how we can assert the national sovereignty, and best secure the permanent interests of the United States. No gentleman, I presume, will contend that it is better for us to permit a disgraceful intercourse with any nation, than to endure a temporary privation, until we can trade on fair and honorable terms. Gentlemen cannot delude themselves with any expectation of advantage from the commerce now allowed to us. The two most valuable products of this country must ruin and beggar those interested in their culture—I mean cotton and tobacco. It is well known that the quantity of tobacco annually produced, is fully equal to the annual consumption, and that we have now two crops on hand; while the edicts of Great Britain and France are continued, it would be folly to cultivate this plant, and it is more or less true of every other product of our soil. If we were at war with these nations, our products would reach them through the same circuitous channels into which they will be forced by this law, but cer-

tainly that consideration would not be deemed a good argument for permitting direct intercourse with our enemies. As to the difficulty of excluding their products and manufactures, it is very possible that we may not be able to do it entirely, but I am satisfied that we shall do it essentially. The great avenue through which British goods can be most easily smuggled into this country is Canada, and that, I doubt not, will soon be closed if the edicts be not rescinded. The present state of things cannot long continue; I have no hesitation in saying that it ought not, and that the next Congress must either abandon the contest, or resort to more effectual means for the maintenance of our rights than commercial restrictions and prohibitions. The gentleman from South Carolina, whose eloquence I admire, and whose patriotism I honor, speaks of this measure as submission, and considers that which he proposed as resistance—not indeed as the measure of his choice, but as the one which is next to it in his estimation. It must be obvious to the House, and I am sure it will be equally so to the gentleman himself, that if his system would be resistance, the course indicated by the bill has in that view superior merit. The gentleman acknowledges the principal advantage of his plan to consist in this, that it would deprive British vessels of the transport of our produce; if it can be shown that this object will be accomplished more effectually by the bill in its present form than by the proposed alteration, it is fair to expect for it his support. If this plan were adopted, Great Britain would regain her full share of the transport of our produce by augmenting the duties in favor of her own bottoms to an amount that would be an indemnity for a short voyage, by opening the port of Halifax, and another port at St. Mary's, to our vessels, and all that would then remain to our own vessels would be the profits of the coasting trade from our harbors to those ports of deposit. If I believed this course the most honorable and effectual mode of resisting, I would willingly embrace it; but, sir, I can never consent to any plan by which a direct commercial intercourse is to be produced between this country and Great Britain and France, while their edicts continue in force. Nor will I ever abandon the hope and belief that my countrymen possess the manly spirit of independence, the honorable pride and character which will disdain to barter for gold, or for a miserable fragment of commerce, those rights which were purchased by the valor and the blood of their fathers.

The question was taken on striking out the first section of the bill and negatived—yeas 24.

SATURDAY, February 18.

Another member, to wit, MARMADUKE WILLIAMS, from North Carolina, appeared and took his seat in the House.

*Clarkson's History of Slavery.*

The SPEAKER laid before the House a letter from Thomas P. Cope, offering to the acceptance of Congress, in behalf of the American Convention for promoting the abolition of slavery and improving the condition of the Africans, lately assembled in the city of Philadelphia, a book, entitled "*Clarkson's History of Slavery*," which is requested to be deposited in the Library of Congress. The said letter was read; whereupon a motion was made by Mr. MILNOR, that the House do come to the following resolution :

*Resolved*, That the Speaker be requested to acknowledge the receipt and acceptance of "*Clarkson's History of Slavery*," presented by the American Convention for promoting the abolition of slavery, and improving the condition of the Africans; and that the said work be deposited in the Library.

And the question being put thereupon, it was resolved in the affirmative—64 to 16.

*Non-Intercourse.*

Mr. CLOPTON said: Mr. Chairman, being one of those who are not willing to exchange the embargo for the system of non-intercourse now proposed, I move you to strike out this section of the bill. In making this motion, sir, I cannot say that I entertain much hope of success, although indeed I do sincerely wish that the motion may prevail. It has been uniformly my opinion, sir, and still is, that the embargo ought to be adhered to until a majority of the great body of the people of the United States should prefer war itself to a longer continuance of it. I cannot perceive any middle course between those two alternatives, which can truly maintain the honor of the nation; and shall this nation descend from that ground to any degree of submission, either openly or covertly, to any nation on earth? God forbid, sir. Forbid it every thing that is dear and valuable to us as members of a free and independent nation!

Long indeed has our country sought the establishment of neutrality, but sought it honorably. The great and prominent object with the United States, as to their exterior relations, always has been to maintain peace—but to maintain it honorably and consistently with the rights of the nation. In pursuit of this object Great Britain will receive the principal benefit of the trade, notwithstanding the prohibitions of this bill. If American vessels are permitted to go out at all, most of them will go, if not to British ports, to some particular ports, as has been observed, from whence Great Britain will finally receive their cargoes; and in a short time, perhaps, upon cheaper terms than they could be obtained for in our own ports; and I do not know what is to secure them from capture when bound to other ports, if they fall in with British cruisers, unless indeed they should go into British ports, pay the detestable tribute and accept licenses; and the law will be abundantly evaded by smuggling into the country ar-

ticles of British manufacture—and no doubt, many of French manufacture too. Besides, sir, the consequence of this measure very probably will be war at last, and at no distant period; a war, too, which will commence under great disadvantages to our own country.

In this situation of things, Mr. Chairman, under this accumulation of injuries, the measure of embargo was resorted to—a measure having in view a counteraction to the whole system of aggression carried on against the United States—a measure which has been pursued as a means of bringing about a relinquishment of that atrocious system on the part of the belligerents, and a redress of injuries inflicted on us, together with the preservation of peace. This measure has been thus far pursued for these great purposes; and it has been patiently borne with to this day, by the nation at large, the partial discontents which have appeared in some particular parts of the country only excepted. The nation at large has cheerfully acquiesced in the privations, the inconveniences, and the difficulties incident to such a state of things. It has exhibited a memorable example of self-denial in sustaining this situation, with a view to obtain redress of wrongs and recognition of its maritime rights, without a sacrifice of peace. With this object, fair and honorable negotiation has been resorted to from time to time for a series of years. By this means redress of wrongs has been repeatedly sought, and sought in vain. By this means the Government of the United States has exercised itself to procure relinquishment of outrages and violation of our neutral rights; but as often have all its efforts proved unavailing. No wrong redressed—no cessation of outrage yet appeared: on the contrary more numerous and more aggravated ones followed in quick succession. A long series of injurious acts, the offspring of new and (if possible) more atrocious principles than what constituted the pretended ground of former outrages, were pressed with accumulating weight into the train of former outrages, inasmuch that those which followed after, taken along with those which had preceded, made up a combined system which threatened to sweep from the ocean almost every particle of canvas, and all the floating property of this great Republic.

These, sir, are the objects for which this measure has been thus far and so patiently pursued. Great and momentous objects, and worthy of a great and magnanimous nation! Why, then, should it be now determined at all events to abandon this measure? Why should it be so determined, at a period of all others most propitious to the embargo, if continued and executed—a period, of all others, I think, best calculated to give it effect by this House manifesting a firm disposition to adhere to it? For, sir, I consider this as the most critical period, which could possibly arrive, as to the real effect of the embargo. I consider it as the most important period, at which the conduct of this House might render that measure effectually coercive,

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if it ever can be made so at all—and why, sir, do I think so? Because, in the first place, I conceive it cannot even be a question whether the British Government has not calculated on the discontents, which appeared in some particular parts of the Union, so as to derive at least some expectation therefrom that those discontents might make such impression on Congress as to induce them to raise the embargo in the course of this session. Those discontents, no doubt, excited grateful expectations of its removal. It is perfectly natural to suppose that such events taking place in any part of this country must have produced calculations of that sort. I cannot but believe, sir, that they have looked forward to the period of this session, with anxious solicitude, to mark the temper of Congress in relation to this very interesting subject; and, as they must have presumed that Congress could not view such serious events with indifference, some expectation that the effect might be so strong as to induce a repeal of the system could scarcely fail to be the conclusion. Such conclusion was to be expected, even if the extent of dissatisfaction had been fairly reported to them—even had it been in no degree misrepresented. But, sir, there are a thousand chances to one that the reports, which conveyed the information to that country, greatly exaggerated the facts—that the picture was drawn in much stronger colors than were consistent with the real truth—that the instances of discontent were stated not only to have been deeper in their nature than they really were, but that a much larger number of persons had partaken of it than really did—that a spirit of disaffection had spread itself far and wide. Not a shadow of doubt rests on my mind, sir, that, in all respects whatever, the unpleasant occurrences to which I have alluded, were greatly magnified. With these circumstances others have combined to render the embargo inefficacious as yet, or at least to prevent it from having its full effect. It is to be recollected, sir, that very soon after the law laying an embargo was passed efforts were made to render it unpopular and to excite dissatisfaction. Dissatisfactions were not only excited; but many unprincipled persons found means to evade the law and make exportations contrary to its provisions. Under a combination of circumstances, then, so encouraging to the hopes of the British Government as those must have appeared to them, the continuance of their Orders in Council until the temper of Congress, during this session, could be known to them, is not much to be wondered at. The hope of ultimate success in rendering our commerce tributary to them, which those circumstances, no doubt, contributed not a little to inspire, with such a government, was of itself sufficient ground to induce a continuance of those orders. Long experience of British policy, which the United States have had, justifies this opinion. Long experience of a systematic design in that government to shackle our commerce and subject it to their arbitrary restrictions, leaves no room

to doubt of their disposition to pursue that design until the conduct of this Government should convince them of its total inefficacy to produce the object sought for. The slightest prospect of succeeding in their design, however delusive that prospect might be, keeps up their hopes until the delusion vanishes. It remains, then, for the Congress of the United States, at this very interesting crisis, to dispel that delusion by a firm adherence to this measure, and thus to disperse every gleam of hope which may have resulted from the circumstances of discontent which had appeared, and the evasions of the law which took place in the country. At this truly critical period, to which their anxious attention has been directed, let this body manifest an inflexible perseverance, and demonstrate to them that all their hopes, founded on those or any other circumstances, are vain indeed. Let it be demonstrated to them that this Government cannot only resolve upon, and carry into effect, measures of energy, though attended with inconveniences and difficulties, but that it can pursue such measures so long as they shall be deemed expedient for the object in view. Let every declaration and every conception concerning the American character, as a nation, in respect to its cherishing an overweening attachment to gain, so as to be willing to submit to indignities for the sake of it, be completely falsified. Let it be demonstrated, beyond a possibility of doubt, that there exists not in the great body of the people of this country any love of gain comparable to the love of real national independence and freedom; that this love of national independence and freedom animates the true American soul far beyond any other sentiment, and that, in support of it, the greatest sacrifices of interest are cheerfully acquiesced in. But, sir, what will be the inference drawn from this measure proposing a repeal of the embargo, as it does, after it shall have been adopted. Will it not justify assertions, that this Government has not stability or firmness enough to carry into effect energetic measures, or such as check the current of wealth for any considerable time from flowing into the country? Such assertions, or assertions to that effect, have, I believe, been frequently made; and they have been often repelled by words as slanderous reproaches on the Government. Sir, let us not take from them the merit of being slanderous, by affording any ground for the justification. But I fear, sir, I greatly fear, that a repeal of the embargo laws, as now proposed, will go far towards justifying such assertions.

This is a period of our political existence, Mr. Chairman, which renders firmness in the councils of the nation peculiarly requisite. The crisis is vastly momentous and trying, and attended with circumstances, both from within and from without, which strongly call for decision in the Legislature. The existence of the Government seems almost to depend upon their firmness and decision. Whilst the members of this body respect the rights of individuals, let

them consider the consequence of being driven from a measure of great importance by the conduct of a small part of the community. It is the duty of each part equally to respect and obey the laws; and if apprehension of the consequence of a faction, clamoring against the acts of the Government, should deter it from pursuing its course, such would be an alarming manifestation of its weakness. Sir, I fear for the Government, almost to trembling. I feel emotions which I cannot express. It is at a point of awful trial and responsibility. The system which, it appears, is about to be abandoned, will be exchanged for a miserable one, which, on our return to our homes, will not draw on us many smiles.

The motion of Mr. CLOPTON was negatived, 59 to 85.

Mr. MILNOR moved to amend the same section so as to strike out the exception, and making the repeal of the embargo total.

Mr. VARNUM supported this motion. If the non-intercourse system was to prevail, he thought it made much more intelligible to the revenue officers by repealing the embargo laws, and enacting the non-intercourse as a new system throughout. He spoke in favor of the repeal of the embargo laws, stating the evasions which had taken place, and that these evasions had not been confined to any particular section of the Union. He observed that a partial repeal of the embargo would destroy all the coercive effects of the measure, inasmuch as produce would be let out, and would find its way to every quarter of the world. Mr. V. observed that were the amendments agreed to, he should be ready to go with gentlemen in any other practicable measure which they would select for maintaining our rights.

The motion of Mr. Milnor was negatived, 57 to 53.

The committee then rose and reported the bill; and the House adjourned without considering the report.

FRIDAY, March 8.

Adjournment.

A message was received from the Senate, stating that they had appointed a committee in conjunction with such committee as should be appointed by the House, to wait on the President of the United States, and inform him that they had concluded the business pending before them, and were ready to adjourn. A committee was appointed on the part of this House to join the committee of the Senate.

Mr. SMILE offered the following resolution:

*Resolved*, That the thanks of this House be presented to JOSEPH B. VARNUM, in testimony of their approbation of his conduct in the discharge of the arduous and important duties assigned to him whilst in the Chair.

Mr. ROWAN moved that it be postponed indefinitely. Messrs. ROWAN and LYON supported

the motion; and Messrs. EPPES and JACKSON opposed it.

The resolution passed, 68 to 9.

The SPEAKER returned his acknowledgments to the House for this tribute of their approbation, as follows:

*Gentlemen of the House of Representatives:*

The kind expression of your approbation of my conduct, in the discharge of the duties which you have been pleased to assign me as Speaker of the House, affords me that consolation which an approving conscience alone can surpass. You will please, gentlemen, to accept my thanks for the liberality and candor which you have uniformly manifested towards me: and be assured, that the friendly aid which I have experienced from you in the discharge of my official duty, has made a deep impression on the affections of my heart, which length of time cannot eradicate.

Mr. CUTTS, from the committee appointed to wait on the President, reported that they had performed that duty, and that the President had informed them that he had no further communication to make.

And the House adjourned *sine die*.\*

\* This was the end of Mr. Jefferson's administration; and, notwithstanding the purchase of Louisiana, (the annual interest on the cost of which had to be paid,) and the greatly extended frontier which required to be guarded, the system of order and economy which he cherished enabled him to carry on the government (until the privations of the embargo and non-intercourse) without increase of duties, and with a moderation of cost which should form the study and the imitation of succeeding administrations. The duties remained at the same moderate rates as before—the *ad valorem*, 12½, 15, and 20 per centum; the specifics (increased in number) were not increased in rate; the free list not only remained undiminished, but was happily augmented by the addition of salt. The average of the *ad valorem* was still about 13 per cent., and almost all fell upon the 12½ per centum class—the importations under the other two classes being inconsiderable, to wit, only about half a million, (\$520,000,) subject to the 20 per centum; and only a little over nine millions under the 15 per centum; while the imports under the 12½ per centum class amounted to above thirty-six millions of dollars. The articles used by the body of the people fell into this class, (the other two classes embracing articles which might be called luxuries,) so that 12½ per centum upon the value may be considered as the duty which fell upon the country. The expenses of collection still remained at about 4 per centum, and the revenue cutter service (there being but little temptation to smuggle under such low duties) cost but a trifle; and the specific list being considerable, the number of custom house officers and agents was inconsiderable. The revenue collected from the *ad valorem* duties was about seven millions of dollars; that from specifics about nine millions—leaving sixteen millions for the net revenue. Of that sum the one-half (just eight millions) went to meet the interest, and part of the principal, of the public debt. Of the remainder there went to the military and Indian departments about two and three-quarter millions; to the navy about one million; to tribute to Algiers, (masked under the name of foreign intercourse,) two hundred thousand dollars; and to the civil list, embracing the whole machinery of the civil government, with all its miscellaneous expenses, about nine hundred thousand dollars—leaving some two millions sur-

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*Adjournment.*

[H. OF R.]

plus after accomplishing all these objects. It was a model administration of the government. Mr. Jefferson's administration terminated the 8d of March, 1809, but its fair financial working ceased two years before—with the breaking up of our commerce under the British orders in council, and the decrees of the French emperor, and the measures of privation and of expense which the conduct of Great Britain and of France brought upon us. The two last years of his administration were a strong contrast to the six first, and a painful struggle against diminished revenue and increased expenses, injuries and insults from abroad, and prep-

aration for war with one of the greatest powers in the world, while doing no wrong ourselves, and only asking for what the laws of nations and of nature allowed us—a friendly neutrality, and exemption from the evils of a war with which we had no concern. Preparation for war was then a tedious and expensive process; embargo, non-intercourse, fortifications, ships, militia, regular troops. All this is now superseded by railroads and volunteers, ready at any moment to annihilate any invading force; and by privateers, ready to drive the commerce of any nation from the ocean.

## ELEVENTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, MAY 22, 1809.

PRESIDENT OF THE UNITED STATES,—JAMES MADISON.

## PROCEEDINGS IN THE SENATE.\*

MONDAY, May 22, 1809.

Conformably to the act passed at the last session, entitled "An act to alter the time for the next meeting of Congress," the first session of the eleventh Congress commenced this day, and the Senate assembled in their chamber, at the city of Washington.

## PRESENT:

GEORGE CLINTON, Vice President of the United States, and President of the Senate.

NICHOLAS GILMAN and NAHUM PARKER, from New Hampshire.

TIMOTHY PICKERING, from Massachusetts.

JAMES HILLHOUSE and CHAUNCEY GOODRICH, from Connecticut.

ELISHA MATHEWSON and FRANCIS MALBONE, from Rhode Island.

JONATHAN ROBINSON, from Vermont.

JOHN LAMBERT, from New Jersey.

ANDREW GREGG and MICHAEL LEIB, from Pennsylvania.

SAMUEL WHITE, from Delaware.

SAMUEL SMITH, from Maryland.

WILLIAM B. GILES, from Virginia.

JESSE FRANKLIN and JAMES TURNER, from North Carolina.

JOHN GAILLARD, from South Carolina.

BUCKNER THRUSTON, from Kentucky.

RETURN JONATHAN MEIGS, jr., from Ohio.

JOSEPH ANDERSON, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the fourth day of March last; and OBADIAH GERMAN, appointed a Senator by the Legislature of the

State of New York, for the term of six years, commencing on the fourth day of March last, severally produced their credentials, which were read; and the oath prescribed by law having been administered to them, they took their seats in the Senate.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

*Resolved*, That each Senator be supplied, during the present session, with three such newspapers, printed in any of the States, as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers: and, provided also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

*Resolved*, That James Mathers, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

Messrs. ANDERSON and GILMAN were appointed a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait on the President of the United States and notify him that a quorum of the

## \* LIST OF MEMBERS OF THE SENATE.

*New Hampshire*.—Nicholas Gilman, Nahum Parker.

*Massachusetts*.—Timothy Pickering.

*Connecticut*.—James Hillhouse, Chauncey Goodrich.

*Rhode Island*.—Elisha Mathewson, Francis Malbone.

*Vermont*.—Jonathan Robinson, Stephen R. Bradley.

*New York*.—John Smith.

*New Jersey*.—John Lambert, John Condit.

*Pennsylvania*.—Andrew Gregg, Michael Leib.

*Delaware*.—Samuel White, James A. Bayard.

*Maryland*.—Samuel Smith, Philip Reed.

*Virginia*.—William B. Giles, Richard Brent.

*North Carolina*.—Jesse Franklin, James Turner.

*South Carolina*.—John Gaillard.

*Georgia*.—William H. Crawford.

*Kentucky*.—Buckner Thruston, John Pope.

*Tennessee*.—Joseph Anderson, Jenkin Whiteside.

*Ohio*.—Return Jonathan Meigs, jr., Stanley Griswold.



MAY, 1809.]

*President's Message.*

[SENATE]

two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled, and that the House have elected JOSEPH B. VARNUM, Esq., one of the Representatives for the State of Massachusetts, their Speaker, and are ready to proceed to business. The House of Representatives have appointed a committee on their part, jointly with the committee on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

TUESDAY, May 23.

Mr. ANDERSON reported, from the joint committee, that they had waited on the President of the United States, and that the President of the United States informed the committee that he would make a communication to the two Houses at 12 o'clock this day.

JAMES LLOYD, jr., appointed a Senator by the Legislature of the State of Massachusetts, for six years, commencing on the fourth day of March last, attended and produced his credentials; which were read.

*President's Message.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate  
and House of Representatives:*

On this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations, the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our Ministers at London and Paris were, without delay, instructed to let it be understood by the French and British Governments that the authority vested in the Executive to renew commercial intercourse with their respective nations would be exercised in the case specified by that act.

Soon after these instructions were dispatched, it was found that the British Government, anticipating from early proceedings of Congress, at their last session, the state of our laws, which has had the effect of placing the two belligerent powers on a footing of equal restrictions, and, relying on the conciliatory disposition of the United States, had transmitted to their legation here provisional instructions, not only to offer satisfaction for the attack on the frigate *Chesapeake*, and to make known the determination of His Britannic Majesty to send an Envoy Extraordinary, with powers to conclude a treaty on all the points between the two countries; but, moreover, to signify his willingness, in the mean time, to withdraw his Orders in Council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British Government led to the

correspondence and the proclamation now laid before you, by virtue of which the commerce between the two countries will be renewable after the 10th day of June next.

Whilst I take pleasure in doing justice to the councils of His Britannic Majesty, which, no longer adhering to the policy which made an abandonment by France of her decrees a prerequisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I cannot do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments.

The discontinuance of the British orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded in one of our public vessels to our Minister Plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French Government a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture, which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution, to have the gunboats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and convenience for future service, and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens, detached in quotas of militia, amounting to one hundred thousand, under the act of March, one thousand eight hundred and eight, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, one thousand eight hundred and eight, together with the disposition of the troops, will appear by a report which the Secretary of War is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report which the Secretary of the Navy is preparing on the subject, to be laid before Congress, will show, at the same time, the progress made in officering and manning these ships. It will show, also, the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospects may authorize any modifications of the laws relating to the Army and Navy Establishments.

The works of defence for our seaport towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state that the appropriations hitherto made being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the eight per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had been reimbursed on the last day of the year 1808. And, on the first day of April last, the sum in the Treasury exceeded nine and a half millions of dollars. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly, if not altogether, sufficient to defray the expenses of the year. But the suspension of exports, and the consequent decrease of importations, during the last twelve months, will necessarily cause a great diminution in the receipts of the year one thousand eight hundred and ten. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session, at the present season of the year, I forbear to call the attention of the Legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall co-operate for the welfare and happiness of our country; and to pray that it may experience a continuance of the Divine blessings by which it has been so signally favored.

JAMES MADISON.

The Message and papers accompanying it were read and five hundred copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, May 24.

JOHN CONDIT, appointed a Senator by the Executive of the State of New Jersey, in the place of Aaron Kitchel, resigned, took his seat, and his credentials were read; and the President administered the oath to him as the law prescribes.

JOHN POPE, from the State of Kentucky, attended.

Mr. GILES submitted the following motion for consideration:

*Resolved*, That so much of the President's Message as relates to a revision of our commercial laws, for the purpose of adapting them to the arrangement which has taken place with Great Britain, be referred to a select committee, with instructions to examine the same and report thereon to the Senate; and that the committee have leave to report by bill or otherwise.

FRIDAY, May 26.

JENKIN WHITESIDE, appointed a Senator by the Legislature of the State of Tennessee, for two years, commencing on the fourth of March last, in place of Daniel Smith, resigned, took his seat, and his credentials were read; and the

President administered the oath to him as the law prescribes.

RICHARD BRENT, from the State of Virginia, attended.

MONDAY, May 29.

*Senator Samuel Smith, of Maryland.*

DURATION OF A PRO TEM. APPOINTMENT.

The PRESIDENT laid before the Senate a letter from Mr. Smith of Maryland, stating that being appointed by the Executive of that State a Senator in conformity with the constitution, until the next meeting of the Legislature, which will take place on the 5th day of June next, he submits to the determination of the Senate the question, whether an appointment under the Executive of Maryland, to represent that State in the Senate of the United States, will or will not cease on the first day of the meeting of the Legislature thereof? and the letter was read; and, after debate, it was agreed that the further consideration thereof be postponed until to-morrow.

WEDNESDAY, May 31.

STEPHEN R. BRADLEY, from the State of Vermont, attended.

*Batture at New Orleans.*

Mr. GILES presented the memorial of Edward Livingston, of New Orleans, stating that, for a long time prior to the 25th January, 1804, he was in peaceable possession of a parcel of land called the Batture, in front of the suburb of St. Mary's, in the city of New Orleans. That, on the 25th of January, he was forcibly removed by the Marshal of the district, under the orders of the President of the United States, notwithstanding an injunction had been granted by the superior court against the execution of the warrant; and praying that the possession may be restored to him, and that such measures may be pursued as the wisdom of Congress may devise, for providing a legal decision on the title of the United States, if it shall be supposed they have any, to the property in question; and the memorial was read, and referred to Messrs. GILES, ANDERSON, HILLHOUSE, WHITE, and WHITESIDE, to consider and report thereon.

THURSDAY, June 1.

*Non-Intercourse Act—Extended to all public armed Vessels.*

Mr. GILES offered the following amendment to the first section, to be inserted after the word "assembled;":

"That the provisions of the two first sections of the act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, shall extend to all public armed ships and vessels of all foreign nations, and the same shall be, and are hereby, continued and made permanent, subject, nevertheless, to any modi-

JUNE, 1809.]

Non-Intercourse.

[SENATE.]

fications and regulations which may hereafter be made by treaty."

Mr. G. said he felt himself constrained to move this amendment at this time, because he found it impossible to avoid a consideration of the subject involved in it, although he had heretofore hoped that it would not necessarily pass in review during the present session. He said this necessity arose from the limitation of these sections of the act at the last session. The connection of these sections with the commercial non-intercourse system, was contrary to his opinion at that time; he then wished the subject to be taken up and acted upon in a separate bill, and made the permanent law of the land. His opinion then gave way to the respect he felt for the opinion of others. This will appear from the resolution he then moved, "to extend the interdiction to the public armed ships and vessels of all foreign nations." In consequence of connecting that subject with the general commercial non-intercourse, and limiting its duration with that act, it was now rendered a very delicate question. His proposition, however, was, to do now, what it was right to have done at the last session. He said that the proposition was founded upon the principle, that the United States had as absolute and unqualified a right to exclusive jurisdiction over the marine leagues usually attached to independent nations, as to their territorial jurisdiction, and as a consequence from that principle, foreign nations had no more right to send armed ships within our acknowledged marine jurisdiction, than they had to send an army within our territorial jurisdiction. This proposition is, therefore, merely municipal, formed upon an unquestionable right, and it is dictated by the same spirit of impartiality as that which dictated the original non-intercourse law. Indeed, it appeared to him the only impartial course now left us, as it respects the belligerents. It ought to preserve the most perfect impartiality, which, Mr. Canning so justly tells us, "is the essence of neutrality."

Mr. G. said it could not escape observation, that, in the overtures made by the British Cabinet for the revocation of the Orders in Council of the 7th of January and the 11th of November, the obligation to protect our neutral rights against France, heretofore offered on the part of our Government, in case of her perseverance in her hostile edicts, had been entirely overlooked, or unconditionally dispensed with. He said he derived much satisfaction from this liberal conduct on the part of the British Government, because it manifested a confidence in the honor and firmness of our Government, which must be peculiarly gratifying to every American; but it rather increased than lessened the obligation to persevere in protecting our neutral rights against French aggressions, if they should be persevered in, contrary to his expectation.

The motive or ground of resisting the aggressions of France cannot, under this overture, be

mistaken. In the former case, it might have seemed as if the resistance was dictated by a stipulated obligation to Great Britain to make it in this; it can only be dictated by a just sense of our own honor, character, and interests, which is left perfectly uncontrolled by the British overture. As this latter motive is the more honorable, it ought to be the more scrupulously adhered to and enforced. He had no hesitation in saying he had uniformly been influenced by this motive alone, entirely disconnected with any stipulated obligation to Great Britain; and under this influence, alone, he would be found at all times as ready to resist the aggressions of France, as he had at any time been those of Great Britain, if they should, unfortunately, be persevered in; but, at the same time, he wished to take away every pretext for such perseverance, by persevering in a conduct of the strictest and most scrupulous impartiality toward all the belligerents.

At the last session he had supposed, under the general interdiction of all foreign armed vessels, some regulations and modifications, as exceptions from the general rule, might be made by law, but further reflection had satisfied him that the preferable mode was by treaty.

He would state two or three reasons for this preference:

1. It will tend to avoid collisions with all foreign nations. Regulations made by law might not suit the views of foreign nations, whereas their consent would be necessary in treaties.

2. It will give us the aid of a stipulated obligation on the part of the foreign nation making the treaty, to enforce the arrangement. In the case of Great Britain this consideration is of great importance. Its importance results from the strength of her navy, compared with the weakness of ours.

3. By treaty we may obtain what the lawyers call a *quid pro quo*. We may want, at some future time, the use of some British ports, which she would readily give for the use of ours. He said he would act liberally with her in this respect; and, he believed, considering Great Britain now at war, and the United States at peace, it would rather accelerate than retard the expected negotiation. He said he was as much opposed to throwing any impediment in the way of the expected negotiation as any gentleman in the United States.

Great Britain cannot, and will not complain. The municipal right now proposed to be carried into effect, is admitted by Great Britain in its broadest extent, and will not be disputed by Mr. Canning at the present moment. This will appear from Mr. Canning's declarations in the debates of the last session of Parliament. He said he did not know whether it was correct to read newspapers in evidence, to ascertain the opinions and expressions of the speaker, but if the Senate would be content with this species of evidence, contained in a Ministerial paper, he would read it for their information. Mr. G.

then read the following extract of Mr. Canning's speech, taken from a British Ministerial paper :

*Extract from Mr. Canning's speech in Parliament.*

"At the time the application for a compromise had been made by the American Government, there was an order in force excluding British ships of war from the American ports, while French ships of war were admitted into them; and, consequently, if the terms offered by America had been accepted, our commerce would have been permitted to America without a ship of war to protect it, while the French commerce would be excluded, at the same time that French ships of war would be admitted if they could succeed in getting there. The ports of America would become nests for French privateers against British commerce. As to the tendency of the measures in agitation in America, he could afford the right honorable gentleman some consolation, by assuring him that they would not have all the ill consequences he seemed to apprehend. A circumstance appeared by the report of the committee of Congress, though clothed in hostile language, which, if made known to His Majesty's Government in amicable terms, might have led to the acceptance of the terms proposed. The circumstance he alluded to was the resolution for excluding from American ports the ships of war not of Great Britain, but of the belligerents. The Americans, in their character of neutrals, had unquestionably a right to exclude the ships of war of both belligerents from their ports, but could not confine them exclusively to those of one of the belligerents without a violation of that impartiality which is the essence of the neutral character. Yet, when that proposition should be disposed of, the whole of the difficulty would not be surmounted, as much would still remain to be accommodated. Another point, in which fault had been charged upon his conduct with respect to America, was his having stated that the system would not be given up while the smallest link of the confederation against Great Britain existed."

It will be observed that two important conclusions may be deduced from these observations: 1. That the exercise of this municipal right is unquestionable. 2. That Mr. Canning's objection to its former exercise by proclamation was to its limitation, not its extension.

His objection is to its exercise against Great Britain exclusively and not against her enemies. At the time of making his speech, Mr. Canning thought the interdiction was extended to all the belligerents; in which case, so far from complaining of its exercise, he says it would furnish an inducement to an accommodation, and his instructions to Mr. Erskine were, no doubt, given under this expectation. This was the ground taken by the report of the committee of the House of Representatives, in the last session, and the Senate went further, by extending the interdiction to the public armed ships of all foreign nations; those of peace as well as those of war. This gave the transaction more strongly the character of a mere municipal regulation. This principle was narrowed down, in this bill, to apply merely to Great Britain and France, and left out altogether the other belli-

gerent powers. Mr. Canning will probably be much surprised at this limitation; and conceive hostility more pointed than he had anticipated; some of the points may, however, be a little blunted by including France, the most operating and unmanageable of her enemies. He said he did not wish to go one atom beyond Mr. Canning's opinion upon this occasion. He took great pleasure in concurring with Mr. Canning upon this point. It was the first instance in which he had concurred in opinion with the gentleman; but he hoped it would not be the last, especially when the opinion favored the rights and promoted the interest of the United States.

Mr. Canning must have acted under this impression when he agreed to make the honorable reparation he had done for the unauthorized attack upon the Chesapeake, without requiring a previous revocation of the interdiction of British ships. As this revocation was not demanded nor promised, the arrangement now ought to be made on general principles of justice. He said, without feeling or expressing any regret at any thing he had said or proposed at the last session, he was now as willing as any gentleman to reciprocate the temper lately manifested by the British Government, so opposite in its character and tendency from that manifested by the Cabinet for several years preceding. He said that no gentleman had yet manifested an intention of removing the interdiction upon British armed ships, until she had actually executed her promise of reparation; and, if the execution of the promise were to precede the revocation of the interdiction, the mode of revocation by treaty, as pointed out by his proposition, would be nearly contemporaneous with that proposed by gentlemen, if now enacted into a law, and it would have an evident advantage, as it respected the feelings of Great Britain. The mode recommended by gentlemen is founded upon a want of confidence in the promise of Great Britain, and an ungracious demand for its execution, as preliminary to the revocation, while the mode pointed out by treaty, is founded upon a confidence in the promise; and, without requiring its execution, will insure our own safety by the mere exercise of municipal right; a right which is unquestionable; vouched to be so by Mr. Canning, and the exercise of which is impartial toward all nations, by extending its provisions equally to all. He said that almost all the injuries and insults sustained by the United States from public armed ships of the belligerents within our waters, were attributable to an inattention to the exercise of this right, and, relax the interdiction when you may, without a stipulated obligation on the part of the belligerents, to respect your neutrality, and your marine jurisdiction, they will be renewed and continued.

The principle contended for is not new. It has been before the Senate several times, and was adopted at the last session in its broadest extent, as will appear from the following reso-

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Proceedings.

[SENATE.]

tion, which he then had the honor of moving. It does not appear from the Journals of the Senate, that there was any opposition to the following resolution, which was adopted on the 15th of February last:

"The Senate resumed the consideration of the motion made on the 8th instant, that provision ought to be made by law for interdicting all foreign armed ships from the waters of the United States; and having agreed thereto, ordered that it be referred to Mr. Giles, Mr. Smith of Maryland, Mr. Crawford," &c.

He said he was extremely happy to find the spirit of harmony and conciliation which had hitherto characterized the Senate, and he should endeavor to preserve and continue it; and, while he was strongly impressed with the propriety and policy of the amendment, yet he was willing to listen to any other which might be more agreeable to gentlemen, provided it was founded upon a principle of strict impartiality toward the belligerents, which he could not be induced to depart from under any circumstances.

When Mr. G. had concluded, the further consideration of the subject was postponed until to-morrow.

## FRIDAY, June 2.

PHILIP REED, from the State of Maryland, attended.

STANLEY GRISWOLD, appointed a Senator by the Executive of the State of Ohio, to fill the vacancy occasioned by the resignation of Edward Tiffin, was qualified, and took his seat.

JOHN SMITH, from the State of New York, attended.

## MONDAY, June 5.

*Death of Senator Malbone.*

Mr. MATHEWSON announced the death of his colleague, FRANCIS MALBONE, who deceased yesterday morning.

On motion of Mr. LLOYD,

*Resolved*, That the Senate will attend the funeral of FRANCIS MALBONE, this afternoon, at five o'clock, from his late residence; that notice thereof be given to the House of Representatives, and that a committee be appointed for superintending the funeral.

*Ordered*, That Messrs. LLOYD, GILMAN, and WHITE, be the committee.

On motion, by Mr. LLOYD,

*Resolved, unanimously*, That the members of the Senate, from a sincere desire of showing their respect to the memory of FRANCIS MALBONE, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm; and that a sum not exceeding one hundred and fifty dollars be applied out of the contingent fund for placing a neat slab or monument, with a suitable inscription, over his tomb.

On motion of Mr. LLOYD,

*Resolved*, That, as an additional mark of respect to the memory of FRANCIS MALBONE, the Senate now adjourn.

And the Senate adjourned.

## TUESDAY, June 6.

*Senator Smith's pro tem. Appointment.*

Mr. GILES submitted a resolution, which was amended, and is as follows:

*Resolved*, That the Honorable SAMUEL SMITH, a Senator appointed by the Executive of the State of Maryland to fill the vacancy which happened in the office of Senator for that State, is entitled to hold his seat in the Senate of the United States during the session of the Legislature of Maryland, which, by the proclamation of the Governor of said State, was to commence on the 5th day of the present month of June; unless said Legislature shall fill such vacancy by the appointment of a Senator, and this Senate be officially informed thereof.

On motion, by Mr. ANDERSON, to amend the motion, by striking out all after the word "Resolved," and inserting:

"That any Senator of this body, who holds a seat under an Executive appointment, cannot, according to the provisions of the Constitution of the United States, be entitled to continue to hold his seat as a member of this body, after the meeting of the Legislature of the State from which such Senator may be a member."

And a division of the motion for amendment was called for, and the question having been taken, on striking out, it passed in the negative; and the motion for amendment having been lost, the original motion was agreed to—yeas 19, nays 6, as follows:

YEAS.—Messrs. Anderson, Brent, Franklin, Gailard, German, Giles, Gilman, Goodrich, Griswold, Hillhouse, Lambert, Mathewson, Meigs, Pope, Robinson, Smith of New York, Thruston, White, and Whiteside.

NAYS.—Messrs. Bradley, Leib, Lloyd, Parker, Pickering, and Turner.

## WEDNESDAY, June 7.

JAMES A. BAYARD, from the State of Delaware, attended.

## THURSDAY, June 8.

WILLIAM H. CRAWFORD, from the State of Georgia, attended.

## MONDAY, June 12.

*Exiled Cubans, with their Slaves.*

On motion, by Mr. GILES,

*Resolved*, That a committee be appointed to inquire whether it be expedient and proper, at this time, to make any provision by law for remitting the penalties and forfeitures incurred by the violations of some of the provisions of the act, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," so far only as relates to the introduction of slaves into certain ports of the United States, who were lately forcibly expelled from the island of Cuba with the French inhabitants

thereof; and that the committee have leave to report by bill or otherwise.

*Ordered*, That Messrs. GILES, BRADLEY, ANDERSON, CRAWFORD, and FRANKLIN, be the committee.

MONDAY, June 19.

*Expelled Cubans.*

On motion, by Mr. Giles,

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such information as he may deem proper to communicate respecting the unfortunate exiles lately expelled from the Island of Cuba, and who may have arrived, or are expected to arrive within the jurisdiction of the United States; and, also, respecting any propositions which may have been made to him by the Minister Plenipotentiary of France, for the purpose of facilitating the removal of any of the said exiles, with their slaves, and other effects, from the United States, to any place within the dominions of France.

FRIDAY, June 23.

*Foreign Armed Vessels.*

MR. LEIB, from the committee, appointed on the 20th instant, to inquire into the expediency of providing by law for the exclusion of foreign armed vessels from the ports and harbors of the United States, made report; which was read, as follows:

"That, in the opinion of this committee, such an interdiction is within the just and neutral rights of the United States, and, under other circumstances, would be highly expedient and proper. So long as a neutral nation shall confine itself to strict measures of impartiality, allowing no benefit to one belligerent, not stipulated by treaty, which it shall refuse to another, no cause whatever is afforded for exception or complaint. The right to admit an armed force into a neutral territory belongs exclusively to the neutral; and when not guarantied by treaty, as is oftentimes the case, such admission compromises the neutrality of the nation, which permits to one belligerent alone such an indulgence.

"As a measure of safety as well as peace, it is incumbent upon the United States to carry into effect such a provision. So long as we are without a competent force to protect our jurisdiction from violation, and our citizens from outrage, and our flag from insult, so long ought no asylum to be given, but in distress, to the armed vessels of any nation. The committee will not bring into view the many injuries and insults which the United States have sustained from the hospitable grant of their ports and harbors to belligerents; nor the facility which has thereby been afforded to them to lay our commerce under contribution. It is sufficient to remark, that great injuries have been sustained, and that imperious duty requires arrangements at our hands to guard our country in future from similar aggressions.

"The United States are, at this moment, under no obligation to withhold restraints, within their power, upon the admission of foreign armed vessels into their ports; but the committee are too strongly impressed with the propriety of avoiding any legislative interference at this time, which, by any pos-

sibility, might be construed into a desire to throw difficulties in the way of promised and pending negotiations. They are desirous that a fair experiment may be made to adjust our differences with the two belligerent nations, and that no provisions be interwoven in our laws which shall furnish a pretext for delay, or a refusal to yield to our just and honorable demands.

"Calculating that the overtures which have been made by Great Britain will be executed in good faith, the committee are willing to believe that the stipulated arrangements will be of such a character as to guard our flag from insult, our jurisdiction from aggression, our citizens from violation, and our mercantile property from spoliation. Under these impressions, which the committee have stated as briefly as possible, they beg leave to submit to the consideration of the Senate the following resolution, viz:

"*Resolved*, That the further consideration of the subject be postponed until the next session of Congress."

SATURDAY, June 24.

The bill freeing from postage all letters and packets from Thomas Jefferson, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

MONDAY, June 26.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the constitution provides; and the honorable ANDREW GREGG was elected.

*Ordered*, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the Vice President, elected the honorable ANDREW GREGG President of the Senate *pro tempore*.

TUESDAY, June 27.

*Public Credit.*

The bill, entitled "An act supplementary to the act, entitled 'An act making further provision for the support of public credit, and for the redemption of the public debt,'" was read the third time as amended.

On motion, by Mr. HILLHOUSE, to postpone the further consideration thereof until the first Monday in November next, it was determined in the negative—yeas 9, nays 15.

WEDNESDAY, June 28.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 17, nays 9, as follows:

YEAS.—Messrs. Anderson, Brent, Condit, Franklin, Gaillard, Giles, Gregg, Lambert, Leib, Mathewson, Meigs, Parker, Pope, Robinson, Smith of New York, Turner, and Whiteside.

NAYS.—Messrs Bayard, Crawford, German, Gilman, Hillhouse, Lloyd, Pickering, Reed, and White.

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[SENATE.]

*Six o'clock in the Evening.**Adjournment.*

*Resolved*, That Messrs. POPE and BRENT be a committee on the part of the Senate, with such as the House of Representatives may join, to wait on the President of the United States, and notify him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

*Ordered*, That the Secretary acquaint the House of Representatives therewith, and request the appointment of a committee on their part.

A message from the House of Representatives informed the Senate that the House have appointed a committee on their part, to wait on

the President of the United States, and notify him of the intended recess of Congress.

Mr. POPE, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

*Ordered*, That the Secretary inform the House of Representatives that the Senate, having finished the business before them, are about to adjourn.

The Secretary having performed that duty, the President adjourned the Senate, to meet on the fourth Monday of November.

## ELEVENTH CONGRESS.—FIRST SESSION.

## PROCEEDINGS AND DEBATES

IN

## THE HOUSE OF REPRESENTATIVES.\*

MONDAY, May 22, 1869.

This being the day appointed by law for the meeting of the present session, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

*From New Hampshire*—Daniel Blaisdell, John C. Chamberlain, William Hale, Nathaniel A. Haven, and James Wilson.

*From Massachusetts*—Ezekiel Bacon, William Baylies, Richard Cutts, William Ely, Gideon Gardner, Barzillai Gannett, Edward St. Loë Livermore, Benjamin Pickman, junior, Josiah Quincy, Ebenezer Seaver, William Stedman, Jabez Upham, Joseph B. Varnum, and Laban Wheaton.

*From Rhode Island*—Richard Jackson, junior, and Elisha R. Potter.

*From Connecticut*—Epaphroditus Champion, Samuel W. Dana, John Davenport, Jonathan O. Mosely,

Timothy Pitkin, junior, Lewis B. Sturges and Benjamin Tallmadge.

*From Vermont*—William Chamberlin, Martin Chittenden, Jonathan H. Hubbard, and Samuel Shaw.

*From New York*—James Emott, Jonathan Fisk, Barent Gardenier, Thomas R. Gold, Herman Knickerbacker, Robert Le Roy Livingston, John Nicholson, Peter B. Porter, Ebenezer Sage, Thomas Sammons, John Thompson, Uri Tracy, and Killian K. Van Rensselaer.

*From New Jersey*—Adam Boyd, James Cox, William Helms, Jacob Hufty, Thomas Newbold, and Henry Southard.

*From Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, William Findlay, Robert Jenkins, Aaron Lyle, William Milnor, John Porter, John Rea, Matthias Richards, John Ross, George Smith, Samuel Smith, and Robert Whitehill.

*From Maryland*—John Brown, John Campbell, Charles Goldsborough, Philip B. Key, Alexander

## \* LIST OF REPRESENTATIVES.

*New Hampshire*—Daniel Blaisdell, John C. Chamberlain, William Hale, Nathaniel A. Haven, James Wilson.

*Massachusetts*—Ezekiel Bacon, William Baylies, Richard Cutts, Orchard Cook, William Ely, Gideon Gardner, Barzillai Gannett, Edward St. Loë Livermore, Benjamin Pickman, jr., Josiah Quincy, Ebenezer Seaver, Samuel Taggart, William Stedman, Jabez Upham, Joseph B. Varnum, Laban Wheaton, Ezekiel Whitman.

*Rhode Island*—Richard Jackson, jr., Elisha R. Potter.

*Connecticut*—Epaphroditus Champion, Samuel W. Dana, John Davenport, Jonathan O. Mosely, Timothy Pitkin, jr., Lewis B. Sturges, Benjamin Tallmadge.

*Vermont*—William Chamberlin, Martin Chittenden, Jonathan H. Hubbard, Samuel Shaw.

*New York*—James Emott, Jonathan Fisk, Barent Gardenier, Thomas R. Gold, Herman Knickerbacker, Robert Le Roy Livingston, Vincent Matthews, John Nicholson, Gurdon S. Mumford, Peter B. Porter, Ebenezer Sage, Thomas Sammons, Erastus Root, John Thompson, Uri Tracy, Killian K. Van Rensselaer.

*Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, William Findlay, Daniel Helster, Robert Jenkins, Aaron Lyle, William Milnor, John Porter, John Rea, Benjamin Say, Matthias Richards, John Ross, George Smith, Samuel Smith, John Smilie, Robert Whitehill.

*New Jersey*—Adam Boyd, James Cox, William Helms, Jacob Hufty, Thomas Newbold, Henry Southard.

*Delaware*—Nicholas Van Dyke.

*Maryland*—John Brown, John Campbell, Charles Goldsborough, Philip Barton Key, Alexander McKim, John Montgomery, Nicholas R. Moore, Roger Nelson, Archibald Van Horne.

*Virginia*—Burwell Bassett, James Breckenridge, William A. Burwell, Matthew Clay, John Dawson, John W. Eppea, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John G. Jackson, Walter Jones, Joseph Lewis, jr., John Love, Thomas Newton, Wilson Carey Nicholas, John Randolph, John Roane, Daniel Sheffey, John Smith, James Stephenson, Jacob Swoope.

*North Carolina*—Willis Alston, jr., James Cochran, Mesback Franklin, James Holland, Thomas Kenan, William Kennedy, Archibald McBride, Nathaniel Macon, Joseph Pearson, Lemuel Sawyer, Richard Stanford, John Stanley.

*South Carolina*—Lemuel J. Alston, William Butler, Joseph Calhoun, Robert Marion, Thomas Moore, John Taylor, Robert Witherspoon, Richard Wynn.

*Georgia*—William W. Bibb, Howell Cobb, Dennis Smelt, George W. Tronp.

*Kentucky*—Henry Crist, Joseph Desha, Benjamin Howard, Richard M. Johnson, Matthew Lyon, Samuel McKee.

*Tennessee*—Pleasant M. Miller, John Rhea, Robert Weakley.

*Ohio*—Jeremiah Morrow.

*Mississippi Territory*—George Poindexter.

*Orleans Territory*—Julian Poydras.



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Election of Speaker, &amp;c.

[H. OF R.]

McKim, John Montgomery, Nicholas R. Moore, Roger Nelson, and Archibald Van Horne.

*From Virginia*—Burwell Bassett, William A. Burwell, Matthew Clay, John Dawson, John W. Eppes, James Breckenridge, Thomas Gholson, junior, Peterson Goodwyn, Edwin Gray, John G. Jackson, Walter Jones, Joseph Lewis, junior, John Love, Thomas Newton, John Randolph, John Roane, Daniel Sheffey, John Smith, James Stephenson, and Jacob Swoope.

*From North Carolina*—Willis Alston, junior, James Cochran, Meshack Franklin, James Holland, Thomas Kenan, William Kennedy, Nathaniel Macon, Archibald McBride, Lemuel Sawyer, Richard Stanford, and John Stanley.

*From South Carolina*—Lemuel J. Alston, William Butler, Joseph Calhoun, Robert Marion, Thomas Moore, John Taylor, and Robert Witherspoon.

*From Georgia*—William W. Bibb, Howell Cobb, Dennis Smelt, and George M. Troup.

*From Kentucky*—Henry Crist, Joseph Desha, Benjamin Howard, Richard M. Johnson, Matthew Lyon, and Samuel McKee.

*From Tennessee*—Pleasant M. Miller, and John Rhea.

*From Ohio*—Jeremiah Morrow.

### *Election of Speaker, &c.*

A quorum, consisting of a majority of the whole number, being present, the House proceeded, by ballot, to the choice of a Speaker.

Messrs. N. R. MOORE, CUTTS, and PORTER, were appointed tellers of the votes.

Mr. N. R. MOORE reported that the result of the ballot was, that there were—

For Joseph B. Varnum, 60; Nathaniel Macon, 86; Timothy Pitkin, junior, 20; Roger Nelson, 1; C. W. Goldsborough, 1; blank ballots, 2.

Mr. VARNUM having 60 votes, it was submitted to the decision of the House by the tellers whether the blank ballots could be considered as votes; if not, there being but 118 votes, Mr. VARNUM having 60, had a majority.

Mr. W. ALSTON conceived that there could be no doubt on the subject; that blank pieces of paper could not be considered as votes. He instanced the case which occurred in the famous balloting for President in the year 1801; at which time, after a number of ballotings, the State of Maryland, which was divided, gave in four blank votes, and thus decided the election.

Mr. MACON thought there could be no question on the subject; he also recollected the case of the Presidential election instanced by his colleague, and was of opinion that blank ballots could not be counted. He hoped that the gentleman from Massachusetts (Mr. VARNUM) would be conducted to the Chair.

Mr. RANDOLPH said this was no ordinary question which the House were about to determine, at the instance of his friend, (Mr. MACON,) in his opinion, in a very irregular manner; and Mr. R. said that he was certain, if his friend were not himself implicated in the question, he would have been one of the last men in the House to give such a decision against himself; but perhaps this was a peculiarity in his friend's character. Are we, gentlemen, (said Mr. R.,) to have a Speaker of the House of Representa-

tives without any election? The committee have not reported that one of the persons voted for had a majority of the whole number of votes even; on the contrary, they have expressly reported that no one had a majority. And will the House consent in this manner to choose a Speaker to preside over this body, and perhaps eventually over the destinies of this nation?—for perchance the Speaker might become President of the United States. With respect to the precedent in the case of the election of the President of the United States, there was not, he said, the smallest analogy between the two cases. What was that case? It was on a question whether or not there should exist in this country a Government, that this device had been used, after some forty or fifty ballotings. In order to give a President to the United States, certain gentlemen had thought proper not to vote at all. But, said Mr. R., is time now so precious? Is the Secretary of the President of the United States knocking at the door for admittance? Is the enemy at the gate? Is there not time, I beseech you, gentlemen, to proceed in the regular mode to the election of our officers? Or, shall we, to avoid the trouble of writing a name twice, establish a precedent, which, if established, may put an end to this Government, which is founded on the principle that the majority shall govern? Mr. R. said he was more free in expressing his ideas, because he believed that a second ballot would not affect the result; and he put it to his friend (Mr. MACON) to say whether he himself would consent to take the Chair on the vote of a minority. He said he knew him too well; he would not consent to it. He conceived that there was no question before the House, that they had not elected their Speaker; and that it was their business to proceed to an election. They were certainly competent, he said, to elect the officers of their own body; and he hoped they would do it *more majorum*—after the fashion of their ancestors.

Mr. STANFORD denied that the case which had been cited from the Presidential election in 1801 had any bearing on the present question. That was a case in which, a State being divided, one-half the representation voted blank, and left to the other half of the representation the right of voting for the State. As, at the same time, a gentleman now from Kentucky, (Mr. LYON,) then the only representative present from Vermont, had, by his single vote, his colleague being absent, decided the vote of that State, he thought there was no analogy.

Mr. RANDOLPH moved that the House proceed to ballot a second time for Speaker.

The Clerk having put the question, it was carried—67 to 48.

Mr. MACON said he certainly felt a sense of gratitude towards those who had voted for him; but he should be obliged to them to vote for some other person. He had rather remain on the floor of the House than be placed in the Chair. He had experienced the difficulties of the situation; besides, by an illness during last

H. OF R.]

*President's Message.*

[MAY, 1869.]

winter, his lungs had been so affected that he did not feel himself adequate to the task. As his declining the situation might be unexpected to some gentlemen, to accommodate them he would ask a postponement of the ballot for a time. He considered the office of Speaker of the House as one of the most honorable in the nation. Perhaps none was more so, after that of President and Vice President. Notwithstanding this, were there a probability of his being chosen, he must decline being placed in the Chair.

The House then proceeded to a further ballot; and Mr. N. R. MOORE reported the result to be:

For Mr. Varnum, 65; Mr. Macon, 45; Mr. Pitkin, 6; Mr. Howard, 1; Mr. Nelson, 1, and Mr. Goldsborough, 1.

Mr. VARNUM having a majority of votes was declared elected, and conducted to the Chair; whence he addressed the House as follows:

*"Gentlemen of the House of Representatives:*

*"The continued manifestation of the national confidence in me, expressed by the Representatives of the people on this occasion, fills my heart with grateful sensibility. In obedience to the call of my country, I accept the office assigned me, and will endeavor to discharge the duties of it according to the best of my abilities, and agreeably to the wishes of the House."*

The SPEAKER having been sworn, the oath to support the Constitution of the United States was by him administered to the members, by States.

The House then proceeded to the choice of a Clerk, by ballot. The votes having been counted, there were—

For Patrick Magruder, 68; Daniel Brent, 88; Nicholas B. Van Zandt, 14; William Lambert, 7, and Mr. Scott, 1.

Mr. Magruder having a majority of votes, was declared to be re-elected.

Mr. GEORGE POINDEXTER having appeared and produced his credentials, as the Delegate from the Mississippi Territory of the United States, the oath was administered to him by the Speaker.

Mr. MACON, from the joint committee appointed to wait on the President of the United States, reported that the committee had performed the service assigned to them, and that the President signified that he would make a communication to Congress, to-morrow at twelve o'clock.

A message was received from the Senate, informing the House that that body was formed, and ready to proceed to business; and that they had appointed a committee to wait on the President of the United States, in conjunction with such committee as the House should appoint, to inform him that they were ready to receive any communication he might have to make.

On motion of Mr. J. G. JACKSON, a committee was appointed to act with the committee of the Senate. Messrs. MACON and JACKSON were named as the committee.

The House, after hearing a memorial from Joseph Wheaton, stating his services, and praying a reinstatement in the office of Sergeant-at-Arms, from which he had been ejected, proceeded to the choice of a Sergeant-at-Arms. The whole number was 122, of which Thomas Dunn had 80. He was therefore declared to be re-elected.

On balloting for a Doorkeeper, the whole number of votes was 116, of which Thomas Claxton had 115. He was therefore declared re-elected.

On balloting for an Assistant Doorkeeper, there were—

For Benjamin Burch, 68; Jesse Edwards, 50.

Mr. Burch was therefore elected.

Mr. DAWSON.—Before we adjourn, it will be necessary to fix on some hour at which we shall meet; that hour heretofore has been eleven; but, as the mornings are now long, as some of the reasons which caused the present sessions have probably ceased, as the select committees will have but little to do, and every gentleman must be anxious to end the session and return home, I would prefer an earlier hour, and therefore offer the following resolution:

*Resolved*, That unless otherwise directed, the hour of meeting during the present session shall be at ten o'clock in the forenoon.

Agreed to, 52 to 39; and the House adjourned.

#### TUESDAY, May 23.

Several other members, to wit: From Massachusetts, SAMUEL TAGGART; from New York, VINCENT MATTHEWS; from Pennsylvania, DANIEL HEISTER; and from North Carolina, JOSEPH PRAXSON, appeared, produced their credentials, were qualified, and took their seats.

The Journal of yesterday's proceedings having been read—

Mr. RANDOLPH moved to amend it, so as to record the precise state of the two ballots for a Speaker, with a view to a correct understanding of the case, if it should ever be drawn into precedent hereafter.

After a discussion of nearly two hours on the subject of the decision of yesterday, and the analogy betwixt it and the case of the Presidential election of 1801, Mr. RANDOLPH's motion was agreed to—ayes 70.

#### *President's Message.*

The Message of the President of the United States was received, agreeably to the intimation given by the President yesterday to the committee appointed to wait on him. The Message having been read, was referred to a Committee of the whole House on the State of the Union, and 5,000 copies ordered to be printed of the Message, with the documents accompanying it. [See Senate proceedings of this date, *ante* page 117, for this Message.]

MAY, 1809.]

Vote of Approval.

[H. OF R.]

THURSDAY, May 25.

*Swedish and Portuguese Vessels.*

Mr. NEWTON offered a resolution to instruct the Committee of Commerce and Manufactures to inquire into and report on the expediency of permitting vessels of those nations with whom intercourse was permitted, to take cargoes, &c. He stated to the House that at present vessels of Sweden and Portugal, with whom intercourse is permitted, could not load and depart; and on this subject a letter was read from the Secretary of the Treasury to the Committee of Commerce and Manufactures.

Mr. BURWELL said there was another subject connected with the resolution, which ought to be taken into consideration. The proclamation of the President declares that on the 10th of June next, the operation of the non-intercourse law, as relates to Great Britain, shall cease. It went into operation on the 20th of this month. Of course there were many vessels on the coast which could not get in before the 20th of May. He submitted it to the Chairman of the Committee, whether it would not be proper at once to do away all restriction, because the policy of its existence had ceased in relation to Great Britain from the restoration of harmony with her; and if the goods on our coast were not permitted to be regularly landed, they might be smuggled in, and injure the revenue. He thought it would be proper to inquire into the expediency of doing away at once, by law, all interdiction of commerce.

Mr. NEWTON said he had no objection to act on the subject mentioned by his colleague, but he did not conceive it to be connected with the present motion?

Mr. NEWTON's motion having been agreed to, he immediately reported "a bill respecting the ships or vessels owned by citizens of foreign nations with whom commercial intercourse is permitted."—Twice read, and referred to a Committee of the whole House to-morrow.

*Non-Intercourse Act.*

Mr. LIVERMORE said that he did not distinctly hear all that fell from the gentleman from Virginia, (Mr. BURWELL,) but, from what he had heard, he apprehended that it was on a subject of great importance. There were many vessels on the coast, which, were they to enter our harbors, would fall within the description of the 4th, 5th, and 6th sections of the non-intercourse act. From the happy commencement of the settlement of our differences with Great Britain, he did not believe it was the design of any gentleman that the non-intercourse should be enforced in this particular. He therefore offered a resolution for suspending the act, as follows:

*Resolved*, That it is expedient that the operation of so much of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies," as inhibits the importation of goods from

Great Britain and its dependencies, be suspended until the tenth day of June next.

FRIDAY, May 26.

Another member, to wit, ROBERT WEAKLEY, from Tennessee, appeared, produced his credentials, was qualified, and took his seat.

*Vote of Approval.*

Mr. RANDOLPH said that for the last eight years or thereabouts an alteration had taken place in the manner of doing business at the commencement of each session of Congress. He said he recollected when the first Congress under the administration of Mr. Jefferson had met at this place, instead of Congress being opened as heretofore by the President in person and by a speech, a note in these words had been received by the Speaker, enclosing a Message from the President:

"DECEMBER 8, 1801.

"SIR: The circumstances under which we find ourselves at this place rendering inconvenient the mode heretofore practised, of making by personal address the first communications between the Legislative and Executive branches, I have adopted that by Message, as used on all subsequent occasions through the session. In doing this I have had a principal regard to the convenience of the Legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave through you, sir, to communicate the enclosed Message." &c.

It is unnecessary, I believe, (said Mr. R.,) to state that the hint contained in the Message that no answer was to be expected, was taken by the House; and from that day no answers have been given to the Message of the President at the opening of Congress. It would ill become me, sir, who so highly approved then, and who so highly approve now the change introduced by communicating to the two Houses by message instead of by speech, to say any thing that might imply a disapprobation of it. I like it, sir. To tell the truth, the style of communicating by speech was more in the style of the opening of the British Parliament by the king. I therefore like the mode of communication by message. But I am not so clear, though we were then half-right, that we were wholly right; though on this subject I do not mean to give a definite opinion. No man can turn over the journals of the first six Congresses of the United States without being sickened, fairly sickened, with the adulation often replied by the Houses of Congress to the President's communication. But nevertheless the answer to an address, although that answer might finally contain the most exceptionable passages, was in fact the greatest opportunity which the opposition to the measures of the administration had of canvassing and sifting its measures; and, in my mind, whatever goes to take away this opportunity, goes so far to narrow down the rights

of the minority or opposition, commonly so called, and in fact to enlarge the rights of the majority and the administration party so called; and I beg leave not to be understood as speaking of the state of parties at this time, but of that which has always existed. This opportunity of discussion of the answer to an address, however exceptionable the address might be when it had received the last seasoning for the Presidential palate, did afford the best opportunity to take a review of the measures of the administration, to canvass them fully and fairly, without there being any question raised whether the gentlemen were in order or not; and I believe the time spent in canvassing the answer to a speech was at least as well spent as a great deal that we have expended since we discontinued the practice. I do not say that any answer is proper or ought to be given; but I do believe that when this House goes into a Committee of the Whole on the state of the Union, it is for purposes a little more elevated than to dissect the Message of the President of the United States, or to strip it up and transfer it to select and standing committees. If that be the whole object of going into a Committee of the Whole on the state of the Union, I can see no reason for having any such committee, nor why the Message should not be taken in the first instance, dissected by the knife of the operator most in the fashion of the day, and referred to different committees. And it has a tendency to cast a sort of ridicule on our proceedings, when this august assembly resolves itself into a Committee of the Whole on the state of the Union, and resolves that the Message shall be referred to such and such committees; and would induce shallow observers to believe that in fact there is little or no use for such a committee. But whatever may be my opinion on the subject of opening the two Houses by message, I do think that there are occasions, and that this is one, on which it behooves this assembly to express its opinion on the state of public affairs. I will not recall to your recollection, sir, because perhaps, and most probably it passed over your mind without making any impression, that some time during the last session of Congress, I stated that if the gentleman in whose hand the reins of Government were about to be placed did not even tolerably perform the task assigned to him, some allowance ought to be made for the state in which he found the nation. And, sir, when I see the situation of the country so materially changed for the better, am I and is this House to sit still and regard it but as newspaper talk of the day, and express no opinion on it? And what is our opinion? It is either in approbation or disapprobation of the conduct of the Executive. In my opinion it is due to the Executive that he have an expression of sentiment on this subject. In the part of the country in which I live, dinners have been given, feasts have been held, and the song and toast have passed round in commemoration of the event: and is this House

to be insensible, and to leave the President of the United States in ignorance or doubt whether his conduct has or has not received the sanction of their approbation? Or is he to get that information from unofficial sources? I hope not. I hope he will get it from ourselves. I therefore move you—

“That the promptitude and frankness with which the President of the United States has met the overtures of the Government of Great Britain, towards the restoration of harmony and free commercial intercourse between the two nations, meets the approbation of this House.”

Mr. FINDLAY said that this proposition contemplated a novelty in the legislative proceeding of this country. Where would it end if the House were now to make a solemn resolution approving of the conduct of the President? The answer returned to the speech of the King in monarchical Governments committed the House making it to all that was contained in it. The practice in this country had been long considered an evil; indeed, he thought he could show by the journals one instance in which the discussion of a single section in an answer occupied the House fourteen or fifteen days. It was a practice, too, which introduced at the very opening of the session all that irritation that commonly arose in the course of a session. Mr. F. said he supposed there was not a member in the House but did approve of the President's exercise of the authority vested in him. He presumed that they approved equally also of the same offer heretofore made to the Court of London. If the House were to approbate the conduct of one President, they must approbate that of others; and the conduct of the different administrations under the constitution might be brought into view. Mr. F. was totally against this motion, or any other of the kind.

Mr. DANA said that at the present time he should certainly not be for adopting the resolution. The adopting it at this time would certainly not comport with the object professed by the mover, which he had understood to be, to present a question on which there might be a general view of the conduct of the Executive in relation to the object in question. If the object was to bring up the question in a regular form, that gentlemen might express themselves fully in relation to our affairs, it was very proper that this subject should be discussed in Committee of the Whole on the state of the Union. For himself, Mr. D. said that he thought the mode of answering speeches might do very well in such a Government as this, and whatever might be said of economy of time, by an attention to the actual expense, it would be found that in fact very little time was lost by it. At the last session of Congress a committee had reported a resolution to which there was but two dissentients; the discussion occupied nearly three weeks. All agreed as to the result, but gentlemen combated each other's arguments. And undoubtedly, Mr. D. said, the rapidity with which the Message was shot through a Com-

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Vote of Approval.

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mittee of the Whole, was rather a farcical piece of business—and, indeed, it was not without some little surprise that, when he had come to the House this morning, he found the whole subject disposed of.

Mr. W. ALSTON said, that when a resolution like the one proposed was presented to him, the substance of which met his approbation, if he was compelled to vote directly upon it, he would rather vote for it than against it. But if it were the object to bring before the House a discussion upon the Message of the President, and to return an answer to his Excellency's most gracious Message, he should certainly be opposed to it. If ever there had been one particular part of the conduct of the former administration which had met the approbation of the Republicans of this country generally, it was the discontinuance of this practice. The result of the alteration was, that although more was done during the sessions of the Republican Congresses, they terminated them three or four weeks sooner than ever had been done before. As to the opportunity which the answers afforded for debate, could any one say that sufficient latitude had not been taken in debate? Had not gentlemen even called others by name, and introduced every subject on any question? Mr. A. said he was pleased with what had been done, and he could not vote that he was not pleased; but he was certainly opposed to entering into a full discussion, at the opening of each session, of every thing which was to come under the consideration of the House. If they were to take up this resolution, they might as well take some abstract act of Mr. Adams's, he being still living, and discuss his political life. WASHINGTON, at least he hoped, having departed from us, would be permitted to rest in peace.

Mr. BACON said that with other gentlemen, he could not but regret that this proposition had been brought forward. If he were brought to vote upon it, he need not tell the House that he should cordially vote for it; but it was really one of the last observations which he had expected to have heard from any gentleman that we wanted field for debate. He had thought that the grievance was the other way; that the cause of complaint was, that they consumed too much time in debate. He said he should certainly vote for the resolution, were it brought to a direct vote; but, for the purpose of placing before the House the view of the subject which he entertained, he should take the liberty to move an amendment to it, and then move to refer it to a Committee of the Whole. The amendment was in these words, proposed to be added to the motion:—"And furnishes an additional proof of the spirit of accommodation on the part of the Government of the United States, which has at no time been intermitted."

Mr. J. G. JACKSON moved that the whole subject be postponed indefinitely.

Mr. RANDOLPH said that as an indefinite postponement was considered as tantamount to a rejection—for it prevents a renewal of the sub-

ject during the session, and a rejection does nothing more, as the House had heretofore had a woful experience in the case of certain very pertinacious petitioners; and, as he was afraid, they would again have from a certain body of petitioners, who, he presumed, had not entirely given up their hopes of quartering themselves on the public property—an indefinite postponement, then, being equivalent to a rejection, he certainly was opposed to the rejection of his own motion. He could not have believed that this motion would have been rejected by the House, though he said he had certainly calculated on its being opposed by those who condemned the promptitude and frankness with which the President had proceeded to restore, as far as depended on him, the intercourse between the two nations. It is this part of the conduct of the President of the United States, said Mr. R., on which I mean to give an opinion—"By the President of the United States, a proclamation"—and in that proclamation, in my opinion, he has deserved well of his country. I ask the gentleman from Pennsylvania, (Mr. FINDLAY,) if he is near enough to hear me in this vast room, when have I proposed bringing in review the whole measures of former administration; when have I proposed an answer to an address to the two Houses? I have proposed no such thing, sir, although my motion is nearly tantamount to it; because it so happens that the only act of which we have any knowledge, except the laying up the gunboats in dry dock, which I also most cordially approve, is this very thing. Now, I have not the slightest objection, if the gentleman chooses, that the honorable and worthy gentleman from Massachusetts should insist on a *venire* on the conduct of any former President of the United States, but I beg myself to be excused from serving on it. As an unqualified juror, I choose to except myself; for, really, as to one of those Presidents, his career does not yet seem to be finished. It would seem as if he meditated another batch of midnight judges, and another midnight retreat from the Capital. I do, therefore, except to myself as a juror as to him or any other President. *De mortuis nil nisi bonum*. Agreed, sir. Let the good that men do live after them, and the evil be interred in their graves. But, I would ask the gentleman from Connecticut, and the gentleman from Pennsylvania, also, if this be one of their abstract propositions? How abstract, I pray you? Or, if it be one of those unmeaning propositions, the discussion of which could answer no good to this House? It would be idle in us now to be trying Mr. Adams on the merits of the sedition law, the eight per cent. loans, or any other such act. It would answer no purpose; and it would be equally idle and futile to pass any opinion on the merits or demerits of the first four or last four years of the late administration, for this plain reason, the question bolts upon you, *cui dono?* What earthly good can result from it? But is that the case in relation to the Executive, on whose

future dispositions rest the best interests of this nation? Is that a mere idle discussion? And is it come to this? Is this House so sunk in the Executive opinion, (I trust not, sir; I abhor the idea.) that its approbation of a great course of national policy is to pass for nothing; is it to have no influence on the conduct of the Executive of the United States? This, sir, is taking higher doctrine than was ever advanced by those who wished to see the President open Parliament by a speech from the throne. It is taking higher ground than the Minister of that country from which the precedent was derived. The weight of the House of Commons is felt too sensibly there for their inclinations not to be sounded by motions from their Chancellor of the Exchequer, and their members of opposition, in relation to the great course of foreign affairs. And, sir, shall we now be told that it is a mere matter of moonshine, a thing of no moment, whether this House really does approve the conduct of the Administration of the Government of the United States, or disapproves it? Praise, in my opinion, properly and not prodigally bestowed, is one of the best resources of a nation. Why is this House called upon, and I am sorry to say it is, too often, and too lightly, to give its sanction to the conduct of individuals in the public service, if its approbation is estimated so trivially? No, sir; this is a great question which I have presented to you, and gentlemen may hamper it with as many amendments as they please; they cannot keep the question out of sight. Some may be *against* it because they are *for* it; some because it does harm, and some because it does no good. The question cannot be kept out of sight; it has been presented to the American people and they have decided it, decide you how you may.

With respect to the gentleman's amendment, I need not tell him, I presume, that I shall vote most pointedly against it, because, in my opinion, it does not contain the truth. The gentleman from Massachusetts (Mr. BACON) will be among the last of the members of this House to attribute to me an improper sentiment in regard to him, when I say that it does not contain the truth. If the gentleman from Massachusetts chooses, in imitation of another Eastern nation—not those who tried their Kings after they were entombed, but those who consigned to one common grave the living and the dead; if he be willing to attach the sound, healthy body of the present Administration—healthy so far, and, I trust, fortifying itself against contagions—to the dead corpse of the last, let him. He shall not have my assistance in doing it; nor have I the least desire to draw a marked distinction between the two Administrations. The gentleman will hardly suspect that I am seeking favor at court. My object is plain. It is to say to the President that, in issuing that proclamation, he has acted wisely, and we approve of it. I know, sir, that there are men who condemn the conduct of the President in issuing the proclamation; and why? They say

he was precipitate. Where was the necessity, they will tell you, of declaring that the Orders in Council will *have been* withdrawn? This is the language of objection. There is a difference of opinion subsisting in this country on these two points. There *are* men who condemn this proclamation, and men who condemn the construction given by the Executive to the non-intercourse law. I approve both. I wish the President of the United States to have the approving sentiment of this House, and to have that approbation as a guide to his future conduct; and I put it to the gentleman from Massachusetts whether it be fair to mingle it with the old, stale, refuse stuff of the embargo! No, sir; let him not put his new wine into old bottles. There is a difference of opinion in this country. The President of the United States stands condemned by men in this nation, and, as I believe, in this House, for having issued that proclamation, and put that construction on the non-intercourse law. I wish to see by how many he is thus condemned. I do not wish to see the question shirked—to see it blinked. If there be a majority of the House, as I believe there is, in favor of the conduct of the President, I wish him to have that approbation expressed as a guide to his future, and a support to his present conduct. It is due to him. Sir, have I moved you a nauseous, sickening resolution, stuffed with adulation? Nothing like it; but, a resolution that the promptitude and frankness with which the President of the United States has met the overtures of the British Government towards a restoration of the ancient state of things between the two countries—the state prior to the memorable non-importation act of 1806—meets the approbation of this House. Either it does, or it does not. If it does, let us say so. If it does not, let us say so. If gentlemen think this House never ought to express an opinion, but leave the President to grope in the dark as to our views, or get them through unofficial channels, I presume the previous question will be taken, or motion made that the resolution lie upon the table. The gentlemen from Pennsylvania says, shall we go back, and approve of what he conceives to be similar conduct of the late President of the United States in relation to the embargo? I hope not, sir. But if a majority of this House choose to do so, let them. I shall say no. But, why mingle two subjects together, on which there does exist—and I am afraid it will leak out on this very vote of indefinite postponement—so very material a difference of opinion in different parts of the House? For example: I do not think of the offer about the embargo as the gentlemen from Massachusetts and Pennsylvania think; and I think it probable that those two gentlemen do not think of this proclamation and the construction given to the non-intercourse law, as I think. And why should we make a sort of hotch-potch of two subjects, on which we do not think alike, for the purpose of getting us all united against

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Vote of Approbation.

[H. OF R.]

both? It is an old adage, and a very homely one, perhaps too much so for the delicate ears of this assembly, that if you put one addled egg into a pudding, you may add fresh ones, *ad infinitum*, but you can never sweeten it. And, sir, I defy the gentleman from Massachusetts, with all his political cookery, by pouring out of the jar of our present situation into the old mess, to sweeten it.

In the year 1806, we passed that miserable old non-importation act, which last session we repealed; and really, sir, we got rid of it with an adroitness which pleased me exceedingly. Never was an obnoxious measure more handsomely smothered by its avowed friends. Gentlemen said it was merged in the non-intercourse act, and therefore, as a matter of indifference, they would repeal it; and when the non-intercourse act shall expire by its own limitation, at the end of this session, or be suspended by the President's proclamation, as it is in relation to Great Britain, there is an end of both; and thus, the old measure, the old, original sin to which we owe our first difficulties, was as much gotten rid of as if a majority of this House had declared it an unwise measure, and therefore repealed it. I do recollect to have heard one gentleman (Mr. Eppes) say, that unless the section repealing this law were stricken out, he should be compelled to vote against the bill. He conjured the House to cling to the old non-importation act as the last vestige and symbol of resistance to British oppression; but the House was deaf to his call, and the non-importation act was plunged beneath the wave, never, I trust, to rise again. When, therefore, the late President of the United States made an offer to Great Britain to suspend the embargo as to her, provided she would withdraw her Orders in Council, I will suppose that she had accepted that offer. In what situation would she have stood in relation to the United States? Her fine cloths, her leather, her watches, her this and her that, would have been prohibited admittance into this country under the old non-importation act of 1806, which would have been in force. That act, in point of fact, had no operation on her adversary. Her ships would have been prohibited the use of our waters, while the ships of war of her enemy were admitted. Did that make no difference? That, sir, would have been the situation of the two countries, provided she had accepted the offer to suspend the embargo as to herself—the old non-importation act in operation, her ships of war excluded, and her rival's admitted. I pray you, was not that the condition of the country when Mr. Rose arrived? Was there not some difficulty, under the proclamation, in the admission of the *Statira* frigate, bearing that Minister into our waters? And were not French ships of war then, and have they not since been riding quietly at Annapolis, Norfolk, and elsewhere? Has not, in fact, the gallant Captain Decatur taken our own seamen out of one of them? And yet, sir, the offer at that time

made by us has been identified with the negotiation between Mr. Secretary Smith and Mr. Erskine. What then was her situation? The non-importation act in force, *her ships excluded* and those of France *admitted*, and nothing in force in relation to France except the embargo. What is now the situation of affairs? Trade with her is restored to the same situation, in point of fact, in which it stood when Congress met here in 1805 and 1806—at the memorable first session of the ninth Congress, which generated the old non-importation act of 1806. Her ships of war are admitted into our waters, her trade is freed from embarrassment, while the ships of her adversary are excluded and the trade between us and her adversary forbidden by law. While, therefore, I am ready and willing to approve the conduct of the present Administration, it is not because I conceive that they have effected any thing so very difficult—that they have obtained any such mighty concession—but, because they have done their duty. Yes, sir; we all recollect that the objections made to the treaty negotiated by Mr. Monroe, and Mr. Pinkney, on two great leading accounts: 1st. That it contained no express provision against the impressment of seamen. Is there any provision now made? No, sir. The next objection to the treaty was the note attached to it by Lords Holland and Auckland. What, sir, did gentlemen on this floor say was the purport of this note? That its object was to put us in a state of amity in respect to Great Britain, at the expense of the risk of collision with France. On account of this note, the treaty and the treaty-makers have been politically damned. And yet, we are now, in point of fact, in that very situation, in relation to the two nations, in which it was said that the British Commissioners, by the note, aimed to place us, and which was a sufficient reason, according to the arguments of gentlemen, for rejecting the treaty. The note was a sort of lien, gentlemen said, that would put us in a state of hostility with regard to France, and amity with regard to England. We refused to give our bond, for such it was represented (however unjustly) to be, to be sure, sir; but we have paid the money. We have done the very thing which gentlemen say the note aimed to induce us to do. We have put ourselves in a situation endangering collision with France, and almost insuring amity with England. We have destroyed the old non-importation act. The non-intercourse act is suspended as to her. Trade is again free. There is nothing now to prohibit her ships, whether for commerce or war, from coming into our waters, whilst our trade with France is completely cut off, and *her ships excluded* from our waters. I cannot too often call the attention of the House to this fact, on which I am compelled to dwell and dilate to get rid of this merciless motion, which kills while it professes to cure. When Mr. Rose came into this country, French ships of war were freely admitted; English ships were excluded.

As "the physician, in spite of himself," says in one of Moliere's best comedies, *on a change tout cela*—the thing is wholly reversed. We are likely to be on good terms with England, maugre the best exertions of some of our politicians. Trade with Great Britain is unshackled, her ships are admitted, trade with France is forbidden; and French ships excluded, as far as it can be done by paper. Now, in the name of common sense, what more could Mr. Canning himself want, than to produce this very striking and sudden change in the relations between the two countries? For a long time previous, it was the ships of England that were excluded, while those of her adversaries were admitted. And we know that we could not have touched her in a more jealous point than in her navy. Things are now reversed—we have dexterously shuffled the non-importation act out of the pack, renewed trade with her, admitted her ships, and excluded those of France. And what, I ask this House, has the British Minister given us in requital for this change of our position in relation to him and his rival belligerent? The revocation of the Orders in Council—this is the mighty boon. For, with respect to his offer in relation to satisfaction for the attack on the Chesapeake, he made that offer to Mr. Monroe spontaneously, on the spur of the occasion, and there is not a doubt in my mind but that we had nothing to do but to receive it at that time, provided the instructions of our Minister had permitted him to receive it; but, perchance, sir, if he had received it, we might have been at this day discussing his message, and not the message of another President. All that Mr. Canning has given this country is a reiteration of his offer to make reparation for the affair of the Chesapeake, and his withdrawal of the Orders in Council; and to what did they amount? So soon as you, by your own law, cut off your trade with France, he agrees to revoke the orders interfering with it. Mr. Canning might as well have withdrawn blank paper. They had nothing left to operate upon. The body upon which they were to operate was destroyed by our own act, to wit, the trade of France. And, sir, while I compliment the present state of things, and the conduct on the part of our Government which has led to it, I cannot say that we have greatly overreached Mr. Canning in this bargain, in making an exchange of the old non-importation act with the admission of English, and exclusion of French ships and trade, for the Orders in Council. Mr. Canning obtained as good a bargain out of us as he could have expected to obtain; and those gentlemen who speak of his having heretofore had it in his power to have done the same, did not take into calculation the material difference between the situation in which we now stand, and the situation in which we before stood—to say nothing at all of Great Britain's having taken a stand against the embargo, having declared that she had nothing to offer in exchange for it; that we might keep it as long as we pleased. If she had accepted our

offer, as I before stated, the old non-importation law would have been in operation, her ships of war would have been excluded, whilst those of France were admitted. Now, the non-importation act is not in force, her ships are permitted to enter our waters, and those of France excluded. And what has this sarcastic Minister of Great Britain given us in exchange? The Orders in Council, which had completely ceased to operate by the cutting off of the trade between us and France. Let me state this argument in a shape most favorable to ourselves, and least so to the British Government. I speak as to argument; for, as to friendship between nations, there is no friendship in trade. We ought to get the best bargain out of them that we could, and it was the duty of their Minister to get the best out of us. Let us throw out of view the exclusion of French ships and French commerce. Is the removal of the non-importation act, and the admission of British vessels, nothing? What has Mr. Canning given you in return? The Orders in Council—and what were they worth to him? Not a straw.

Mr. HOLLAND said he had no doubt that the President had done his duty in the case referred to in the proposition under consideration; and as he had entertained no doubt but the President would, on this and every other occasion, do his duty, he said he felt no excessive joy on the occasion. It was only an ordinary act of duty well performed, and therefore he was not willing to distinguish it from those numerous acts which he trusted would be, as they had heretofore been performed, by the Executive. Were he the author of the proposition, he should have many scruples as to the propriety of offering such a one. Were the precedent to be set by the passage of this resolution, the House might hereafter witness a struggle on the floor to determine who should be first to come forward with a proposition expressive of approbation. The human mind might be so operated upon that the Executive might feel himself under an obligation to promote the person bringing forward such a motion. I, said Mr. H., would be one of the last to introduce such a motion were I a friend to the President; and if I were not a friend to the President, I would not bring it forward, lest it should be thought that I was courting favor in his eyes. But why, sir, should this House give an expression of approbation of the President? Because, we are told, it may be a guide to him hereafter. Let this House be careful how it acts, and attend to its own duties. The President does not stand in need of this kind of support. I never will step forward as a member of this House, to excite him to his duty by a vote of this kind. I believe he possesses an attachment to his duty sufficient to induce him to perform it. I believe that the voice of the people of the United States is such, in relation to the present and late President, that they believe they were well disposed to do their duty, and that they have done their duty; but it does not follow that we ought to



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*Sufferers under the Sedition Law.*

[H. OF R.]

express our approbation as to any particular act. The gentleman himself says that the President has only done his duty. Is it not surprising, then, that we are called upon to give him the approbation of this House? What would be inferred from this procedure? Why, that it is so seldom our Presidents have done their duty, that, in the very first instance in which they have done it, the House of Representatives had discovered and applauded it. If the gentleman thinks so, I wholly disagree with him. If our officers do their duty properly, they will receive the thanks of the nation; and where is the propriety of singling out for approbation or disapprobation this particular act? I see none. It is asked, will you leave the President of the United States to grope in the dark, and not let him know whether he has received our approbation or not? And is the President to judge from the thanks of the House that he has done his duty? How is he to know that they have expressed their sense of his conduct from proper motives? Would he not be right to suspect those who vote for, and more especially those who bring forward such a proposition, of improper motives? He would be left still worse to grope in the dark. It has been said that former Presidents have been deceived in consequence of votes of approbation; and the same would again occur. On every ground I am opposed to the passing such resolutions on principle, and shall therefore vote for indefinite postponement. It was indefinitely postponed.

SATURDAY, May 27.

*Sedition Law.*

Mr. STANFORD said he had risen to offer a resolution, which he wanted to have offered immediately after that which had been offered by the gentleman from Virginia, (Mr. RANDOLPH,) and adopted by the House, on the subject of prosecutions for libel at common law; but not being able to get the floor, he would now beg leave to move his by way of instruction to the same committee. That committee, Mr. S. said, had been charged with an inquiry into what prosecutions for libel at common law had been instituted in the courts of the United States, which he hoped the committee would duly make, and lay before the House. Thus the House would see what system of persecution, if any, had been resorted to, and cherished by the late Administration or its friends, in any part of the United States; and he equally hoped some remedy might be devised at this time, the beginning of a new Administration, to obviate any like occurrence in future. But, said Mr. S., let it not be that any thing be done partially. While we are about to bring to our view all the cases of prosecution for libel under the common law, we are not likely to know any thing about prosecutions for libel which had occurred under the sedition law, and that too under a different Administration. We have not authorized any such inquiry. That abuses have oc-

curred under both, is but too probable, and I think it will be liberal, as it is just and fair, to make the inquiry more general on the subject. If any citizen has been oppressed or injured by such prosecutions, let it be known, and let justice be done him; even now, if with propriety any way can be devised to do so. Inquiry, however, is all that is asked for the present.

It may be perceived, said Mr. S., and if not, I wish it should be understood when I speak of justice being done, that I speak with rather peculiar reference to a gentleman of this House, who has been a principal sufferer under the well-known sedition law. I think it never too late to do justice, under whatever circumstances or motives of policy it may have been withheld for a time. I trust no gentleman will, upon this occasion, suspect me of a design to excite any party feelings. It certainly is not my wish, whatever may be the effect. The resolution I am about to offer is not so framed, nor would it necessarily involve the question of the constitutionality of the law. I feel persuaded, therefore, that the different gentlemen of the House may, from a spirit of liberality and fair concession, indulge the inquiry asked for.

But, sir, said he, since the other inquiry has been gone into, it cannot be unfair to say that the majority of the House owe it to themselves to extend the inquiry, as well to cases of prosecution under the sedition law, as to those under the common law; and I shall be permitted to say also, they owe it as well to the feelings and sufferings of the gentleman to whom I have alluded. Whatever may be the aspect of political opinions and parties now, it is known to you, sir, and a few others on this floor, that to him much is due for the present ascendancy of the majority; perhaps to no one more, to the extent of his sphere of action and influence. In the famous contested election for President in this House, eight or nine years ago, he gave the vote of a State, which sufficed to decide the contest; and more especially so, if the blank votes of the State of Maryland could have rendered that vote doubtful. But, however such considerations may or may not avail, nothing is more clear to me than that the inquiry should be indulged on the most liberal principles.

*Resolved*, That the committee, appointed to inquire into what prosecutions for libels at common law have been instituted before the courts of the United States, be instructed to inquire what prosecutions for libels have been instituted before the courts of the United States under the second section of the act entitled "An act in addition to an act, entitled 'An act for the punishment of certain crimes against the United States,'" passed the 14th day of July, 1798, and the expediency of remunerating the sufferers under such prosecutions.

Mr. SAWYER moved to amend the resolution by adding, at the end of it, the words "and that the committee also inquire whether any and what private compensation has been made to such suffering persons."

Mr. MACON said he did not know how the

committee could go about to make such an inquiry as that contemplated by the amendment. The gentleman must be well satisfied that the Government could not rightfully inquire into transactions between individuals.

Mr. DANA said that he had no particular objection to meet this inquiry. As to the disclosure of facts as to the reimbursement by individual contribution, it might be amusing, if this House had authority to make it. He said he should like to know who contributed to the relief of James Thompson Callender, when he was prosecuted; but he had some doubt whether it was proper to enter into any inquiry or whether it was proper to pass the resolution pointing to the remuneration of sufferers under the sedition law. He should have supposed that it might be proper to leave it at large for the committee to report. He said he had certainly no objection to inquire, though he conceived that prosecutions at common law and under the sedition law were essentially different; because, supposing the Congress of the United States to pass such a law, the courts of the United States might take cognizance of it; but, without such a law, it did not belong to the judiciary to extend its care to the protection of the Government from slander. Such was the decision of Judge Chase, (said Mr. D.,) who decided that the court had no jurisdiction at common law in suits for libel; and the Supreme Court of the United States never did decide the question. The strong contrast is this: that while there was a description of men who said that no prosecution could be had at common law for libel, nor under the statute which modified the common law so as to allow the truth to be given in evidence—who, while they excited indignation against this statute, should afterwards undertake to institute prosecutions at common law where there was no limitation in favor of the defendant. There is this difference in the cases: that we find practice precisely different from professions. I do not say that the heads of departments were instrumental in instituting these prosecutions; but it marks some of the subordinate men who were active in making professions. I am very willing that the proposed inquiry should be made; but I cannot see the propriety of our undertaking to give any opinion as to remunerating those who suffered.

Mr. STANFORD said:—Mr. Speaker, I would ask if my colleague's motion of amendment can be in order? It is no concern of this House, or of the Government, what private contributions may have been made to the gentleman from Kentucky; and, if it was, the inquiry is impossible. [The SPEAKER said, not being able to enter into the views of the mover of the amendment, he considered the motion in order.] Then, said Mr. S., if my colleague is anxious to know what he could not otherwise know, I will tell him I had contributed a small sum to the gentleman from Kentucky, as a sufferer in what was then considered a common cause; but, upon his return to his seat in the House,

he could not brook the idea of such a contribution, and returned the amount to myself I know, and to others I believe. My colleague would do well to tell us how much he contributed. It was well known contributions were made in a quarter not far from him; and if he did not, I am well persuaded it was not for the want of sympathy on his part, or extreme zeal in the democratic cause; for I am confident I have seen as much or more seditious matter from under his pen, than I ever saw from under that of the gentleman from Kentucky. Be that, however, as it may, I am for one willing, if no constitutional difficulty can be shown, to remunerate the sufferers—at least to take such money out of the treasury, and restore it to its original, rightful owners; and if it cannot be consistently done, why the inquiry can do no harm. But, indeed, we have great examples in the case before us. Did not the late President, when he came into place, refuse to let such money come into the treasury in the case of the worthless Callender? As the proper authority, he thrust it from him as unworthy the coffers of his country; and did not his doing so meet general approbation? I confess it met mine most cordially, and I believe it did that of my colleague also. Have we not, moreover, the best recorded proof that the present President holds similar opinions on this subject? His splendid opposition to the sedition law is the proof to which I allude, and is, in my mind, conclusive on this subject. But if it were not, where is the impropriety of an inquiry? The House will be better able to decide when the whole matter shall come fairly before them.

Mr. QUINCY said this appeared to be a proposition to aid a single individual; and, by the amendment, gentlemen who had aided that individual were anxious to prevent him from gaining more than he had paid. It was a kind of application to the House to repay to those persons who relieved the sufferers under the sedition act, the sums which they had paid. If this were the object, Mr. Q. suggested whether it would not be proper for them to come forward and lay their claim in the ordinary form before the House.

Mr. SAWYER said he was, as he always had been, willing to contribute his mite to the relief of the sufferers; but he did not wish to see them remunerated from the public treasury.

Mr. LYON.—I have for some time been in suspense whether I ought, or ought not to make any observations on the subject before the House; delicacy on the one hand bids me be silent, while a duty I owe to myself, to my family, and to the nation, requires (that since my particular case has been alluded to) the members of this House and the public should be made acquainted with many of the circumstances of that case, which have either never come to their knowledge, or have long been buried up among the consumed heap of political occurrences, disputations and publications of these days. Besides, sir, I have it in my

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power to throw much light on the subject of the inquiry wished for, by the gentleman from North Carolina, (Mr. SAWYER,) who has proposed the amendment under consideration, and I will assure the gentleman that I shall not be backward in doing so. It is true, sir, that I was unjustly condemned to pay a fine of one thousand dollars and to suffer an ignominious imprisonment of four months in a loathsome dungeon—the common receptacle of felons, runaway negroes, or the vilest malefactors—and this when I was the Representative of the people of Vermont in this House of Congress. It cannot be said there was no other room in the prison, there were rooms enough; yes, sir, one of my judges during my imprisonment, found another room in the same jail to be imprisoned for debt in, until he gave bonds for the liberty of the yard. To heighten the picture exhibited by official tyranny, and to add to the cruel vexation of this transaction, I was carried out of the county in which I lived, fifty miles from my family, kept six weeks without fire in the months of October and November, nearly the whole of which time the northwest wind had free admittance into the dungeon, through the same aperture that admitted the light of heaven into that dreary cell. And let it be asked, in these days of the mild reign of republicanism, for what crime was all this extraordinary, this ignominious punishment inflicted?

I hold a copy of the indictment in my hand, which includes the charge against me. I will not trouble the House with a recital of the technical jargon and tedious repetition of words, of course, which constitute the bulk of such instruments. No, sir, but I will read the identical words of the charge, which says, that on the 20th of June, 1798, Matthew Lyon wrote a letter to Alden Spooner of Windsor, Vermont, in which he said, “as to the Executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness, and accommodation of the people, that Executive shall have my zealous and uniform support. But whenever I shall, on the part of the Executive, see every consideration of the public welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice—when I shall behold men of real merit daily turned out of office for no other cause but independence of sentiment—when I shall see men of firmness, merit, years, abilities, and experience, discarded in their application for offices for fear they possess that independence; and men of meanness preferred for the ease with which they take up and advocate opinions the consequence of which they know but little of—when I shall see the sacred name of religion employed as a state engine to make mankind hate and persecute one another, I shall not be their humble advocate.”

This is the whole of my crime, and what do those words amount to. Who is here that

hears these words, but what approves the sentiment they contain? What do I say in these words, other, or more, or less, than that when the Executive is doing right, I will support him—when doing wrong I will not be his humble advocate? This ought to be the creed of every member who enters these walls. “Was there to be an oath or abjuration added to the constitutional oath to be taken by the members of this House, can any person who hears me, devise a better, or one more proper? Could any person who really thought Mr. Adams quite clear from all those improprieties, as merely possible from the nature of man, mentioned in my letter, have thought of my libelling the President by this declaration? I presume not, sir. Yet this, my crime, received one of the condemnations which you are called upon by this motion to constitute an inquiry into—an inquiry I cannot persuade myself will be refused. The letter, sir, was an answer to a violent invective against me, published in the same paper a short time before, in which besides a number of other charges against me, it was imputed to me as a crime that I acted in opposition to the Executive.

I did not begin the altercation. A person who was a friend to the Adams Administration, in the act of libelling me, (one of the constituted authorities,) ushered the Executive into his performance. My character, ever dearer to me than life, was concerned. I deigned to answer him, after expostulating with him on my right as one of the constituted authorities of the nation to exercise my own judgment in my official conduct, and showing that my merely differing with the Executive proved no more than that the Executive differed with me. I incidentally proceeded in the words for which I was indicted, the very words I just now read. I was charged with neither more nor less as coming from my pen. As if to outrage every principle of law and every sentiment of decency and propriety, this indictment, founded on the sedition law passed on the 14th day of July, 1798, charges me with having in Philadelphia on the 20th of June prior, written a letter to Alden Spooner of Vermont, which contained those words I have been reciting. My letter was produced in court and carried the Philadelphia post-mark of some day in the same June, I do not recollect which day; Judge Patterson himself admitted this fact, and that it was out of my power and control in the June before the sedition law was passed. Thus the indictment, which was the foundation of the barbarous treatment I received, carried on its front its own condemnation; but this defect was remedied by the ingenuity of the party judge, who dexterously mingled his assertions that the crime was cognizable under the common law, with his admonitions to a pliant jury not to be deterred from finding a verdict where the man who wrote was a member of Congress, and knew the sedition law was about to be passed, and probably hurried his letter to evade the law.

It may be said, sir, that I was charged in the indictment with publishing a copy of a letter, from an American diplomatic character in France, to a member of Congress, commonly called the Barlow letter. I was so, and there was a third count in the indictment for aiding and abetting in the publication of said letter. The words selected as seditious were as follow: "The misunderstanding between the two governments has become extremely alarming: confidence is completely destroyed; mistrust, jealousy, and a wrong attribution of motives, are so apparent as to require the utmost caution in every word and action that are to come from your Executive; I mean if your object is to avoid hostilities. Had this truth been understood with you before the recall of Monroe, before the coming and the second coming of Pinkney, had it guided the pens that wrote the bullying speech of your President, and the stupid answer of your Senate, in November last, I should probably have had no occasion to address you this letter; but when we found him borrowing the language of Edmund Burke, and telling the world that although he should succeed in treating with the French, there was no dependence to be placed on their engagements; that their religion or morality was at an end, and they had turned pirates and plunderers; and it would be necessary to be perpetually armed against them, though you were at peace, we wondered that the answer of both Houses had not been an order to send him to a mad-house! Instead of this, the Senate have echoed his speech with more servility than ever George the Third experienced from either house of Parliament." No proof appeared on the trial of my printing, or aiding or abetting in printing, or circulating a printed copy of this famous letter. I had read the copy of the letter in company, but the advocates of the sedition law would never admit that such reading was punishable by that law. The printer who printed the letter, swore that he had been anxious to get the letter from me, and that I had refused to suffer it to be printed, and repelled every attempt to persuade me to the printing; that he had obtained the copy of the letter in my absence. The fact was, that my wife was persuaded by a gentleman who is now a member of this House, that the Republican cause and my election (which was pending) would be injured if the letter was not published; and, as I understood, she gave it to him, the letter was printed, and that gentleman had some of the copies before I came home. I suppressed the remainder of the edition. The judge, finding no proof to support this part of the charge, directed the jury to find a verdict of guilty generally, as there could be no doubt of my being guilty on the first count. I had acknowledged my having written the letter to Alden Spooner. They did so. I will not detain the House by going into a detail of the manner in which that jury was packed. After all the care and management in the original selection, there

was one man on it whose honesty my persecutors feared; and, to get him off, a wretch falsely swore that the summoned jurymen had expressed to him something like an opinion that I could not be found guilty. I will not here dwell upon the judge's denial to me of a challenge upon the jury—as great a crime as any Judge Chase was charged with. I look for an investigation of this business when all the features of it shall come fairly to public view. Should that investigation be refused at this time, I shall not fail to look for it at some future time. I can never forgive the unjust stigma that has been placed on my character; and should justice be refused me during my whole life, I will leave it with my children and theirs to seek it. When my enemies wounded my feelings, robbed me of my property, and affected temporarily my reputation, I consoled myself that my friends would soon be in power, and they would make every thing right. My wounded honor would be consoled; the wound would be healed—a share at least of the property of which I had been deprived, would be reimbursed. How cruelly have I been thus far disappointed! Generous men, at the time I suffered, said it is enough for you to bear the mortification of the temporary insult—we will share with you the loss of property. Under this impression much money was collected, the greater part of which went to relieve oppressed Republican printers—it has all been charged to me. I never asked, nor would I have received a cent of this gratuity, could I have avoided it without insulting the benevolent views of the good man (Gen. Stevens Thompson Mason, deceased) who set the subscription on foot. That good man gave me a list of those to whom he considered me beholden, and the amount; while the thing was fresh in every one's mind I made a compliment, which he considered ample, and more than ample, to every one of those on that list that was within my reach; to those few that remain on that list uncompensated, I feel beholden and much indebted. As the thing has grown old, and as I have come in contact with those gentlemen, I have felt myself in an embarrassed, awkward situation, from which I wished to be relieved by being able to say to them, the public have restored your money—here it is—it is yours, not mine. Judging other men to have feelings like myself, I am at a loss how to get rid of the obligation I feel, in any other way than the restoration of their money when it comes in a way they cannot refuse it. From this source my anxiety for the restoration of the money unjustly taken from me, arises more than any other; and on every review of the subject, I am bound to say that I have been more cruelly treated by the neglect of a duty to which my friends had pledged themselves, when they declared me innocent and patriotic, than by enemies who thought me guilty, and found me goading them in their progress toward the destruction of the liberty and republicanism of this country. As if to make their cruelty more insupportable, in-

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suit is added to the injury, by daily insinuations that I am bound by gratitude to stand by those who call themselves Republicans, in all their projects, right or wrong. Before I was elected a member of Congress from the State of Kentucky, I sent to a member of this House, who had promised me to bring it forward, a petition to be laid before the House of Representatives for redress in this case. He returned the petition to my son in a letter, which I have in my hand—in which he says, "I am sorry and ashamed that I have not presented the petition. I have not wrote to your father, and confess I am ashamed; pray you, the first time you write to Colonel Lyon, do endeavor to make an excuse for me." Such I believe was the impression of most of those I had acted with in the reign of terror, as we called it; but that impression has been wearing off, it seems, while my feelings have been every day increasing in their poignancy at their neglect of a duty, to which they had solemnly pledged themselves, while they were struggling with their adversaries for pre-eminence and power. Happily the awful silence which surrounded this extraordinary business has been broken. I consider this a prelude to investigation and a correct issue; and, let the event of the vote now about to be taken be what it may, I shall not despair.

I shall at this time say no more on this subject than to declare I wish not to have my case singled out for reparation. I wish the investigation general; the provision for remuneration general, to all who suffered under the lash of that unconstitutional sedition law.

Mr. SAWYER's amendment was negatived without a division.

Mr. ROSS rose to propose another amendment to the resolution. It was a fact, he said, well known in almost every part of the United States, that the people in the district from which he had just been returned, had suffered as much in the cause of democracy as that of any other; that they had presented as firm a barrier to Federal oppression, and perhaps had as just claims as any other people in the United States to remuneration for losses in the cause. It was well known that at the time that high-handed measures were taken in this country, an insurrection had taken place in Pennsylvania, commonly known by the name of the Hot-water Insurrection; that it occurred in consequence of the oppression of the law for the collection of a direct tax. Many persons who had opposed the law, under the idea of its being unconstitutional, were prosecuted, punished, and some of them, in consequence of those prosecutions and the sentence resulting from them, expired in prison. To some who remained after the aspect of the affairs of the country was changed, mercy was extended by the United States; but to those whose prosecutions and convictions were of an earlier date, lenity was not extended; they were compelled to pay their fines before they could be relieved from imprisonment. Mr. R. declared his object in rising

to be, to move to amend the resolution in such a way as to instruct the committee to inquire whether any, and if any, what compensation and remuneration should be made to the persons who suffered and were punished in consequence of an act to lay and collect a direct tax in the United States.

Mr. DANA said the gentleman's amendment contemplated remunerating those who suffered by their opposition to a statute. He would propose an amendment to inquire into the propriety of remunerating those who had suffered by their submission (not by their opposition) to the several acts respecting the embargo, certainly so much more meritorious conduct than that of opposition. As respected the whole of this subject, he said he was very free to declare that as regarded those who had been prosecuted at common law in the State of Connecticut, who had certainly been at very considerable expense, their defence perhaps having cost them several thousand dollars, yet, on the principle of correct legislation, he had not the least idea of remunerating them. Where shall we stop, said Mr. D., if we tread back on the steps of each other? We shall have opportunity enough for censure in reviewing our conduct. Perhaps it might be as well to draw the veil of oblivion over past transactions, and learn from experience to err no more.

Mr. JOHNSON said, that however much the act laying a direct tax was disapproved, and arose from measures which were improper, yet he had never deemed it an unconstitutional law, as he had the sedition law. He should therefore vote against the amendment and for the resolution.

Mr. GARDENIER suggested to the gentleman from Pennsylvania, since he had brought the subject before the House, the propriety of going the whole length of his principle. To my mind it is very clear, said he, that if those who oppose the law are to be remunerated, for what it cost them in consequence of prosecution, you must go only on the principle that the direct tax never ought to have been laid at all. If the law was right, it was improper to oppose it. If it was improper, perhaps according to modern democracy, it might be proper to oppose it by force. That, to my mind, is a very dangerous doctrine for legislators to broach; it is a doctrine to which I myself can never agree, for it is making Government a nullity. The suggestion which I wish to make is this: that if those men who suffered in the Hot-water Insurrection are to be remunerated, it is no more than fair that those should be remunerated who have quietly paid this tax. They were at least respectful to the laws. The committee therefore ought to be instructed to inquire into the propriety of repaying to the several contributors in the various States the direct tax, collected from them, unless there be something so admirable, so lovely, so worthy of encouragement in insurrection, that those concerned in it have peculiar claims to encourage-

ment by Government. If that be the case, the gentleman stopped at the proper point. If there was nothing in insurrection, however, which the Legislature would feel it proper to cherish, the gentleman should either go the whole length of his principle or not touch it at all.

Mr. ROSS said he had not undertaken to state any principle at all. His object was to refer the subject to a committee to decide upon. He had not said that he considered the original resolution to contain a correct principle; it was a point left for the committee to consider and for the House to determine on. But if it was a correct principle that those who suffered under the sedition law should be remunerated, he said he had no hesitation in saying that his constituents, who had suffered as materially and as much as any for the democratic interest in this country, should be placed on the same ground as those who were asking for the favor of the House for no better reason; and when the gentleman calls upon me, said Mr. R., to go the whole length of a principle which he states, it is calling upon me to do that which is consequent on a principle which I have not assumed. The gentleman from Kentucky conceives that there is a difference between the cases alluded to in my amendment and the cases arising under the sedition law. Where is the difference, sir? In both cases they were laws of the United States: in both cases the judges of the courts of the United States were authorized to proceed. In neither of the cases did they decide the law unconstitutional. If, then, persons were punished by the sedition law in its full operation, carried into effect by the constituted authorities, where, I ask, is the distinction between that and any other law? To all the purposes of legality, that law is as much legal as that under which the direct tax was instituted. Whether the law under which a direct tax was collected, was constitutional or not, has it not as equally received the disapprobation of the Republicans of the United States as the sedition law? If then it was the object of the democratic party to rid the country of such a law as much as of the sedition law, I ask whether those who suffered under each law have not equal claims? There can be no legal claim upon the House under either law; but we know that it was the hardy yeomanry who presented a firm phalanx to the irresistible torrent of injurious laws of the Federal Administration, and who gave the present party the ascendancy, and many of them have not, as the gentleman from Kentucky has been, compensated for their suffering by a long continuance in an honorable and lucrative office which he enjoys by the confidence of his constituents.

Mr. PORTER declared himself at a loss to know whether the House was sitting here as a branch of the Legislature to pass laws, or as a body to remunerate those concerned in the violation of them. The House sit here to make laws and

not to encourage those who resisted them; but if they determined to give premiums for the violations of laws, they had better depart home at once.

Mr. RHEA wished the House to get rid of this motion and the amendment as speedily as possible. If the House were to go on as it had commenced the session, the whole time of the House would be spent about nothing, discussing propositions which could not possibly produce good to the nation. He therefore moved to postpone the whole subject indefinitely.

Mr. MACON said he had been in hopes when this motion had been made, that it would be one of the happy days of the House; that the question proposed would occupy the whole day in debate, and that all would agree in it at last. As to comparing this case with that of the direct tax, it was notorious that the discussion on the sedition law and the public opinion also took a very different turn from that which it took on any other law. The whole discussion (said Mr. M.) as well as I recollect, turned upon the constitutionality of the law. Then, if it is still believed that the law was unconstitutional, I leave it to gentlemen to say whether it can be viewed in the same light as a law, the constitutionality of which is not disputed. In the one case, trials took place for speaking and writing; in the other case for opposing the execution of a law. I wish this question to be settled for this reason: In all governments where liberty and freedom have existed, parties also have had existence. Thinking honestly produces parties. That those gentlemen who were in power when the sedition law was passed, should step a little too far, was not so much to be wondered at as that those who came after them should do so; because they were making the first experiment of the instrument. I then believed, and do still believe, that the law was unconstitutional. Taking up this question, the original resolution of my colleague is that remuneration should be made to those people who suffered under it; but seeing that the question with respect to the constitutionality of the law had always been matter of dispute, it proposes that a committee shall inquire into the subject. The House is no farther committed by passing this resolution, than to consent to the inquiry being made. I submit it to the candor and reflection of gentlemen of all parties, whether this thing, in a national point of view, can produce any evil—on the contrary, may it not produce good? All that has been said about the direct tax laws can have no other effect than to draw off the attention of the House from the true question before them. The question on this law, in my mind, is a different one from any other law which has been passed. I feel no hesitation in acknowledging that it is my opinion that all the sufferers ought to be remunerated, both those who suffered under the sedition law, and those who suffered under the common law. It is the business of all parties to settle amicably as they can any subject of contention between persons

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*Sufferers under the Sedition Law.*

[H. OF R.]

of different political persuasions. If this first resolution should be referred to a committee, and they report that the law was unconstitutional, I will venture to pronounce that no majority will ever again make a law of that kind. If, sir, the sufferers under the sedition law did suffer contrary to the constitution, ought not their expenses to be reimbursed? On the subject of contribution, I know that that party to which I was attached, did contribute, and did consider it an honorable cause. I was willing (and there are gentlemen in this House who know it) to open my purse when a man of a very different political creed from myself, Peter Porcupine, was oppressed. I care not of what party a man be, that is oppressed. I can prove that the party opposed to me in politics have also subscribed. It is all no more than the subscriptions for printing speeches which are occasionally made in the House, in which gentlemen of all parties unite. Suppose that the whole fine in any particular case had been paid by individual subscription, what has the Government to do with that? Will it be contended, because an old soldier who received a pension also received individual contributions, that the pension should be taken from him, or that the Government is thereby acquitted of what it owed him? Surely not; the Government has nothing to do with transactions between individuals. As to the particular gentleman brought into this discussion, I believe that every man that contributed any thing towards paying the fine levied on him, was remunerated to his satisfaction. I have thought proper to state these opinions of mine, and to avow myself in favor of reimbursing the sufferers. But before I sit down, I must say that my opinion of modern democracy is very different from that of the gentleman from New York. I consider it as neither leading to insurrection, rebellion, nor any such thing. I believe that the true principle of every modern democrat, is, that the law constitutionally made is supreme, and is to be obeyed; that it has nothing to do with riots, rebellion, and insurrection. I know very well, and shall not deny it, that there are times when insurrection is a holy thing, but it is not peculiarly attributable to democracy. With us, election puts every thing to rights; and on them every man of pure democratic principles depends. It is doubtful whether the question of the constitutionality of the sedition law can be settled in a more easy way, and in a mode less liable to irritation, than that proposed by my colleague. If the committee report as I wish, it is well; if not, it settles the question forever; and it is surely desirable that the question should be settled. However gentlemen may differ, as to the principle proposed to be investigated, they might with propriety vote for the inquiry, as it is the ordinary course of every day. I do not consider this as proposing to give a premium to violators of the laws. I know that much depends in this world on names; and that if you give any man or thing a bad name, whether

merited or not, it is difficult to get rid of it. I hope the House will not be deterred from this inquiry by any name attempted to be given to it. It is proper that this question should be settled; and if considered now, it will be settled by a body which did not partake of the heats of those times, and when, to say the least of it, there is a little division in the great parties of the nation; and it seems to me that the gentleman who moved it has been fortunate in the selection of his time. Eight years have elapsed, a new President is just inducted, and the question is now brought up for our decision. I am sorry that any member of this House should make a motion with no other view but for procrastination. I do not believe that my colleague who made this motion is more in the habit of procrastinating the public business than other members of the House; and I was in hopes that there would have been no dissentient voice to his motion. He only asks of you to let the inquiry be made. He does not ask a single member of the House to commit himself upon the question, but merely asks that a committee may be permitted to inquire into it; and this, it seems to me, is no extraordinary request. I hope that the resolution, without being trammelled with any extraneous matter, will be passed.

Mr. KEY said he should vote for indefinite postponement of the resolution. What good purpose could its adoption answer, unless the House had the power to take money from the Treasury of the United States for the purpose of remunerating any person who had suffered? Had Congress that power? He apprehended not. He could see no such power amongst those delegated to Congress. The gentleman from North Carolina admitted the House were under no obligation to remunerate the sufferers; and if the gentleman would turn to the rules laid down for the definition of the powers of Congress, he would see that there was no authority to draw money from the Treasury for this purpose. Under that view of the constitution, Mr. K. said he must vote for indefinite postponement.

Mr. MACON asked under what clause of the constitution Captain Murray and others had been remunerated? Under what clause money paid into the Treasury had been returned in various instances? The right to take, gave the right to return that which was taken. In many instances this principle had been practised on. There was no law to authorize the punishment of a man for robbing the mail; but it was derived from the power of establishing post roads. The power of refunding money was one which had been often exercised.

Mr. GARDENIER was in favor of an inquiry. It was not only proper that an inquiry should be made, but it was the bounden duty of the House to make it. A member of the House in his place had stated facts which if true undoubtedly entitled him to their interference. Our duty (said Mr. G.) is imperative. The case of

the gentleman does not rest upon the question whether the sedition law was constitutional or unconstitutional, but upon the fact that he was not a proper object for the exercise of that law. For, if the statement made be correct, he was punished for uttering a creed which would not be improper for every member of the House; and I will say that subsequent events have shown the sincerity with which the gentleman did make it; that he had kept his promise most religiously; that it was not applicable to those men, or that time, any more than to the present, but was a creed on which he practised before and ever since, so far as his political course is known to me. It is a case in which the privileges of the members of this House are materially concerned. If under the sedition law for a letter written by a member of this House to his constituents, giving his view of public measures, he has been punished, it concerns the safety of this House that complete and perfect remuneration should be made. It is as important that every member should be permitted to speak freely to his constituents, as that he should without restraint address the Chair of the House. It was a case, therefore, which never ought to have been the subject of a judicial investigation, much less considered as a crime. The gentleman at the time followed the dictates of his conscience. To his conscience and his God alone should he be responsible. Sir, should we refuse an inquiry into this case, when we know that the fine of James Thompson Callender, for one of the most atrocious libels ever written in the United States, was remitted? When we know that it was remitted by the President of the United States, after the money had been received by the proper receiving officer of the United States, when it had passed out of the hands of James Thompson Callender into the hands of the officer of Government, and was, to all intents and purposes, in the Treasury of the United States, because there is no such thing as a treasury in which money is actually deposited—for a libel, too, in which the great Father of his Country was treated with a shameless indignity, which could not but have gone to the heart of every man? When the President of the United States was in that libel called a hoary-headed incendiary, should that fine be returned, and shall a gentleman in this House be fined and imprisoned for that which was not even improper? Shall we not restore to him that which others have been suffered to retain, and for which we have not brought to question him who restored it after it was in possession of the receiving officer of the United States—in fact, after it was in the Treasury? Let us not be guilty of this inconsistency. If the sedition law has gone to the tomb of the Capulets, and I believe it has, I am not one who wishes to bear up against the people's voice; the Government is theirs, and when they speak we obey. If under that law the Government has received money for an act which really, if the statement of the gentle-

man be true, could scarcely be considered an offence within the purview of that law, will you not give it back to him? Either give back the money in the case, or take measures to recover that money which was given back in the other. I am not for making fish of one and flesh of another. Whilst on this subject I will declare that I never did consider the sedition law as unconstitutional. Congress were competent to pass it. But, that parties will sometimes in the ardor of their course exceed the limits of discretion, and do violence to the milder feeling of the community in which they live, has been proved in the Adams Administration, and in that which has lately disappeared; and when they have cooled down, it is but rendering justice to the sense of the country to acknowledge their errors. No, sir, I am satisfied that all prosecutions for libels on the Government should be at least very hesitatingly sustained. You cannot draw a precise line by which you shall limit the right of investigation. The two things are so blended together that you cannot separate them. You must either make the Government supreme or the people supreme. I am for the latter. As Dr. Johnson makes Lord Chesterfield say, liberty and licentiousness are blended like the colors in the rainbow; it is impossible to tell where one ends and the other begins. Licentiousness is a speck on the eye of the political body, which you can never touch without injuring the eye itself. I hope and trust that with this investigation will be connected an inquiry into the prosecutions at common law in Connecticut. I have seen in the State of New York, but not under the present Administration, a defendant coming into court, begging only to be permitted to prove that what he had said was true; I have seen also an Attorney-General rise to prevent it; I have seen the truth smothered on the trial by men who were as clamorous against the sedition law as any loud-mouthed patriot in the country. I have seen them bringing almost to the block the victim who may only wish to prove the truth of what he said—which was denied him. I mention this to show that where parties are contending against each other, where there is a majority on one hand and a minority on the other, that which appears on paper proper for the protection of the Government, turns out to be for the oppression of the minority. In the nature of parties it cannot be otherwise. Therefore, in my opinion, the Government of the United States cannot render a greater service than by declaring it will not be necessary to any diminution of the rights of the citizen; that free investigation shall in all cases be permitted. Mr. G. made some further observations on the particular case of Mr. LYON, and concluded by expressing his hope that the resolution would pass.

The question that the resolution be postponed indefinitely, was decided by yeas and nays—yeas 69, nays 50.



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Mississippi Territory.

[H. OF R.]

MONDAY, May 29.

Several other members, to wit: from Massachusetts, ORCHARD COOK; and from Pennsylvania, BENJAMIN SAY and JOHN SMILIE, appeared, produced their credentials, were qualified, and took their seats.

WEDNESDAY, May 31.

JULIAN POYDRAS appeared, produced his credentials, was qualified, and took his seat, as the Delegate for the Territory of Orleans.

Mr. McKIM presented a petition of thirty-five American citizens confined at Carthage, in South America, under sentence of slavery, stating that, through means of falsehood and deception, they were induced to engage in the unlawful expedition of Miranda, fitted out from the city of New York, in the year one thousand eight hundred and six, and that they were captured by the Spaniards, and condemned to slavery, and praying that Congress will take their distressing case into consideration, and effect their release and return to their native country.—Referred to Mr. McKIM, Mr. SAY, Mr. EMMET, Mr. ROANE, and Mr. COCHRAN, to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

MONDAY, June 5.

Two other members, to wit: EZEKIEL WHITMAN, from Massachusetts, and RICHARD WYNN, from South Carolina, appeared, produced their credentials, were qualified, and took their seats in the House.

A message from the Senate informed the House that the Senate, having been informed of the death of the Honorable FRANCIS MALBONE, one of the Senators from the State of Rhode Island, have directed the same to be communicated to this House.

On motion of Mr. POTTER,

*Resolved, unanimously,* That this House will attend the funeral of FRANCIS MALBONE, Esquire, late a member of the Senate of the United States.

*Resolved, unanimously,* That this House do wear mourning on the left arm for the space of one month, in testimony of their respect for the memory of the deceased.

TUESDAY, June 6.

Another member, to wit, WILSON C. NICHOLAS, from Virginia, appeared, produced his credentials, was qualified, and took his seat in the House.

WEDNESDAY, June 7.

Another member, to wit, ERASTUS ROOT, from New York, appeared, produced his credentials, was qualified, and took his seat in the House.

FRIDAY, June 9.

Another member, to wit, NICHOLAS VAN DYKE, from Delaware, appeared, produced his credentials, was qualified, and took his seat in the House.

MONDAY, June 12.

Mississippi Territory.

The SPEAKER presented a petition enclosed to him from a number of inhabitants of the district east of Pearl river, in the Mississippi Territory, praying for the division of the Territory.

Mr. POINDEXTER moved that the petition lie on the table. It would perhaps be disrespectful to the petitioners to reject it, although its contents would merit that course. There were three parties who must, by the ordinance for the government of the Territory, consent before the Territory of the Mississippi could be divided. One party was the Mississippi Territory, the other the State of Georgia, and the third the United States. Neither of these parties had consented. There was, therefore, an absolute interdiction to all legislation on the subject; and the House could, with as much propriety, refer a petition from a State to be exempt from general taxation, or to recede from the Union, as to refer this petition.

Mr. BURWELL said he felt himself bound to oppose the motion for its lying on the table. If the request was wholly improper, the report of a committee to that effect would settle the question at once.

Mr. BIBB was in favor of the motion; though, had a motion been made to reject it, he should have voted against it.

Mr. MACON was in favor of a reference of the petition. No harm could arise from an inquiry into it.

Mr. TROUP admitted the correctness of the remarks of the delegate from the Territory, but wished the petition to be referred to a committee for the purpose of an inquiry as well into the amount of population in that country as into its quality; whether it was lawful or unlawful. There were certain facts connected with this subject, perhaps not generally known to the House. In the course of last year, he had understood that a great many persons, amounting to perhaps three or four thousand, had crossed the Tennessee river, and fixed themselves on its banks, not only contrary to law, but the impression was that they had set out in defiance of the law, and had even gone so far as to organize themselves into military associations for the purpose.

Mr. POINDEXTER observed that there had been a settlement contrary to the existing law on Tennessee near about a year ago; but that they were ordered to be driven off by the military force, except they would take permission to reside as tenants at will. Some had done so, and some had been driven off.

Mr. TROUP said he knew that orders had

been given to remove them, but of their removal and dispersion he had not heard. He said he had further understood that there were, in the county of Madison alone, two or three thousand intruders, and many of them settled on Indian lands, whose owners they excited to hostilities. There was another fact, of which the House might keep possession. Among these intruders was one of the name of Harrison, he believed, who claimed under what was called the Tennessee Yazoo claims, and who settled on the land with his retainers, and deliberately began to apportion it among them. Whether he had been dispossessed, Mr. T. said he did not know. It was absolutely necessary to ascertain the situation of that country, and therefore he should vote for the reference of the petition to a committee.

The petition was ordered to lie on the table—67 to 27.

TUESDAY, June 13.

*Miranda's Exhibition.*

The House went into Committee of the Whole on the following resolution, reported by the committee appointed to consider the petition of thirty-six citizens concerned in Miranda's expedition, and now confined in the vaults of Carthage, South America:

"Resolved, That the President of the United States be requested to adopt the most immediate and efficacious means in his power to obtain the liberation of the prisoners, if it shall appear to his satisfaction that they were involuntarily drawn into the unlawful enterprise in which they were engaged; and that—dollars be appropriated for that purpose."

Mr. McKIM observed, that he believed nothing further would be necessary for the attainment of this object than an application by the Government of the United States; he then moved to fill the blank in the resolution with such a sum (\$3,500) as would defray the expense of sending a vessel there and clothing the prisoners previous to their return.

Mr. RANDOLPH said he believed there would be no better time than on this motion to express the disapprobation which he felt of the report; for he was unwilling in his representative capacity, to give one cent of the public money for bringing back into the bosom of the body politic these unfortunate but guilty men. He knew how invidious a task it was to appear to lean to the side of inhumanity; he knew how very natural it was for the mind of man to relent after the commission of a crime, and to see nothing in a culprit but his misfortunes, forgetting his guilt; but there were occasions, and he took this to be one, where to lean apparently to the side of humanity is an act of as great injustice and cruelty to society as the Legislature can commit. What were the House about to do? To make an appropriation of money for an extraordinary purpose of foreign intercourse. Was not the President of the United States already invested with power to negotiate with

the Spanish Government on this, as well as with any other Government on any subject? Was the President of the United States presumed to have turned a deaf ear to the cries of our suffering countrymen in captivity in a foreign nation? Mr. R. said this was not like a question of redeeming our countrymen from slavery in Barbary or Tripoli; but it was a question whether this Government would lend its countenance to that class of men who were concerned in the expeditions of Miranda and Aaron Burr. He for one said, that he would not consent to it; and that those persons who, above the dull pursuits of civil life, had enlisted under these leaders, might take for him, however he might feel for their situation as men, the lot which they themselves had selected. He said he considered them as voluntarily expatriated from this country, and among the articles of commerce and manufacture, which it might be contemplated to encourage by bounty and premiums, he confessed for one, that the importation of such citizens as these was not an article of traffic which would meet with any encouragement from him. So far from being afraid of any ill consequences resulting from the sparseness of our population, he was afraid that our population, (and experience has tested the fact,) sparse as it was in number, in quality was redundant. We have been told, said Mr. R., and I believe it, that but the other day the Foreign Office in Great Britain cast its eyes on Colonel Burr, and that they either did commit him—I understand that he was committed and stood so for some time, and was only released on condition of quitting the country—that they either did commit or threaten to imprison that unfortunate man. I want to know, sir, if he had stood so committed, in what respect his case, in a political point of view, would have stood contradistinguished from that of these petitioners? I can see no difference but such as, in my mind, would have operated to his advantage. There is an equality of guilt, but on his part a superiority of intellectual character which would have rendered him, if there is to be an accession to the State by bringing back to its bosom those who have voluntarily thrown themselves out of the protection of the country, a more valuable acquisition, or rather a less valuable loss, than these unfortunate men.

It appears to me, sir, that in passing this resolution we shall hold up a premium to vice; for, if this proposition be agreed to, when some new Miranda or Burr comes forward with his project, he will tell his conspirators that they will have nothing more to do, should the matter turn out adversely, than to put up a face and tell Congress that they were involuntarily drawn into it. An extraordinary mode, to be sure, of volunteering to go against their will. These involuntary volunteers will be told they will have nothing to do but throw the whole weight of the blame on the original mover of the expedition, and Congress will tax their fellow-creatures—who, poor souls, had not enlarged

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*Miranda's Expedition.*

[H. or R.]

and liberal minds, and were content with the dull pursuits of civil life—for redeeming them, clothing them, and bringing them back again to society. I wish the committee to take the thing into consideration. As men and Christians our conduct is to be governed by one rule; as representatives of the people other considerations are proper. There is, in the proposed interference, no justice; there may be much mercy, but it is a mercy which carries cruelty, if not deliberate, the most pernicious of all possible species of cruelty, along with it. Suppose these men had been arrested and tried in this country, what would have been their lot? It is difficult for me to say. I am no lawyer; but I suppose, under the mild institutions in some of our States, they would have been condemned to hard labor for life. In what do they differ, to their advantage from other felons? In nothing. Who would step forward to rescue them from that punishment due to their crime if convicted by our own courts? Nobody. Everybody would have said that they deserved it. Now, on the contrary, having escaped the hand of justice in this country, and fallen into the grasp of the strong hand of power in another country, we are not contented to let them reap what they have sown; we are not contented to leave them in the hands of justice. I believe that there exists a proper disposition in the Executive to interfere, where American citizens are wrongfully treated abroad. And, shall we come forward and open the public purse, and assume on ourselves the responsibility of that act which the President refuses to do, and thus share among us the imputation, such as it may be, which society chooses to cast upon us in consequence of it, instead of letting it fall singly and individually upon him, in case he chooses to incur it? No, sir. I have no disposition to pass this resolution to take the responsibility upon myself. In short, I should have been glad, if instead of telling us that these men are unfortunate and miserable, (for who are so unfortunate and miserable as the truly guilty?) that the members of that committee, or the respectable chairman himself, had come forward and shown the claim of these petitioners to the peculiar patronage of the country. So far from any disposition to bring them back, I would allow a drawback or bounty on the exportation of every man of similar principles.

Mr. EMORY said, that as he had been a member of the committee whose report was now under consideration, he felt the propriety of making a few observations to show the expediency of adopting the resolution. In order to obtain the release of these miserable and deluded men, it was necessary that the Government should interfere, because the Spanish Government never would release them till such application was made. The only money necessary to be paid was not to the Spanish Government, but to defray the expense of bringing back the prisoners. It was not to buy their liberty, but to employ a person to go there to request it.

It had been said that the President had power to attempt the release of these persons without any resolution of the House. Mr. E. said he would not enter into that consideration. He knew, if the President had the power, that he had not chosen to exercise it; and if the House could find from the statement of the situation of these men that they ought to be relieved, they should not refrain from expressing their opinion, merely because the President had the power and would not exercise it.

It might be necessary, Mr. E. said, to call to the minds of the committee the situation of these men. They were persons employed by Miranda, in his expedition, who, he undertook to say, did not know that they were going on any expedition contrary to the laws of the country. When taken, they had been tried by the Spaniards on a charge of piracy, and condemned to lie in a dungeon for a term of years. They prayed the Congress for its interposition in their behalf.

It had been said that these men knowingly engaged in this expedition. Mr. E. said he believed that they did not; but, admitting, for a moment, that this was the case; that they did know the pursuit on which they were entering, they should not, for that reason alone, be suffered to lie in prison. Let it be understood, said Mr. E., that this expedition, whatever it was, was carried on, in the face of day, in the city of New York, and that equipments of the vessels and enlistments were made without interruption in the face of day. And would these persons believe that they were going on an unlawful expedition? They might have enlisted from the best motives; and, supposing that they had enlisted under the knowledge that they were going on an expedition, yet seeing that it was carried on in open day without interruption from the Government, he much doubted whether these poor men ought to be suffered to lie in prison.

But, putting motives aside, these men declare that they did not understand the nature of the service for which they were engaged; and this statement the committee who made the report had brought themselves to believe. Let it be recollected that these unfortunate individuals were lying in prison; and, although they had, by some means, forwarded a petition here, they could not attend in person to urge their claim to relief by proofs presented to the House. The persons who procured these men to go on this expedition certainly would not be very willing to come forward and give testimony; because, by so doing, they might criminate themselves and render themselves liable to the operation of the laws of their country. Considering that these persons were removed thousands of miles from us, that they were unfriended, and that the persons who alone could prove that their intent was innocent, would not come forward for fear of criminating themselves, he thought these men were entitled to commiseration, and he believed that it was in his power to show

two or three circumstances which would convince the House that they had no knowledge of the nature of this expedition. The first circumstance was the extreme improbability that these men would have engaged in this expedition, if the nature of it had been explained. Had Mr. Smith or General Miranda gone to these men and said, "we are going on an expedition against the laws of the country, and, if taken, you will be punished under the laws of one country or the other," it is extremely improbable that they would have engaged. It is not likely that Miranda or Mr. Smith avowed their purpose, and told them that they were going on an expedition hostile in its nature, and against the laws of the country, because its object was to revolutionize a nation in amity with the United States. It is impossible that these men should have known the nature of the expedition, when it was not known to the Government here, however public. This circumstance, to me, is conclusive, to show that these young men did not know it. There might have been persons who did; if you please, Mr. Ogden, who furnished the ship, or others, but it is impossible to believe, that these men, who were mere soldiers for carrying on the expedition, knew the nature of it. I am convinced that these persons, all private—for the officers were executed—did not know why they did enlist, or that the corps was for the purpose to which it was actually designed.

I have said, and perhaps every person here knows, that the whole of the business was carried on in the face of day. Here were General Miranda and Mr. Smith coming to the seat of Government, and back to New York, procuring clothes, enlisting men. Can it be conceived that all this could have been carried on, if General Miranda had not meant to conceal it from the Government? But it is in my power to furnish something more than mere conjecture on this subject. The committee will recollect that a greater part of this transaction took place at New York. There the men were to rendezvous, there the vessel was furnished, and to that State most of the young men who are now in South America did belong. In that State this matter was the subject of judicial investigation. Mr. Smith and Mr. Ogden were indicted. I will read a part of the evidence given on the trial, which will satisfy any one, at least it has satisfied me, that these men had no hand in it. Mr. Fink, who was produced as evidence on the part of the Government to convict Mr. Smith, was the person who was intrusted with enlistments.

On the same trial there was one of the persons who has actually enlisted who deposed that the same information which Peter Rose received was given to others. This man also was a private in the expedition, and swears that the person who employed him told him that he was to be employed in the service of the Government; that he was to be carried to Washington by water and thence to New Orleans. The men

who now petition Congress are persons who are placed precisely in the same situation. We find, in the course of the trial, that the person employed to enlist the men, declares that the person employing him refused to tell him for what purpose they were to be enlisted, and, of course, he could not inform those whom he enlisted.

Mr. E. said he had already remarked the extreme difficulty under which these persons labored, that they were at a distance of several thousand miles from this country, incarcerated, and friendless. He had satisfied his mind that they had engaged in this business unknowingly and unwillingly—and, what was now asked of the Government? That they should expend large sums of money for the purpose of buying them out? No. All that the Spanish Government wanted, he undertook to say, was, that a request should be made by the Government of this country for those men; and all the money required for this service, was money enough to send an agent there and facilitate his return.

Nothing had been said by him, Mr. E. remarked, of the peculiar sufferings of these men; but there were representations enough, to show that they were chained naked in a dungeon, without clothing, and without wood. Some had died and others must die. He hoped, therefore, for the reasons which he had given, that the committee would be satisfied that these men were not guilty of crime. If not guilty, he hoped there could be no doubt that they were a proper subject for the interference of the Government.

Mr. BACON observed that the conclusion which the gentleman from Virginia (Mr. RANDOLPH) had drawn, rested upon the idea that the men were guilty. If they were guilty, they certainly should not receive the benefit of the interposition of the Government of the United States. They had no claim on the United States when considered as criminals, or as men who had voluntarily engaged in this service. The report of the committee did not state this to be the case. I acknowledge, said Mr. B., that they are guilty in some respects, having innocently transgressed the laws. If they are guilty in the eye of justice, I contend they ought not to have relief. The report of the committee states, that, under a persuasion that the facts set forth by the petitioners were true, they were induced to submit this resolution. The committee had evidence, which they deemed competent, to prove that these men were not guilty men. In what respect, then, are they to be compared to Aaron Burr? No man will say that he did not proceed on his expedition with his eyes open, or that he could plead ignorance. The fact in relation to these men appears to be that they were inveigled; that their offence was involuntary, not as respected engaging in what they thought the service of the United States, but as to going abroad, for against their consent they were forced into the

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service. Therefore, with great truth, it might be said that they were scourged to the service. If this was the fact, as the committee appear to have believed, I ask, in what their case differs from that of men taken captives by the Algerines? Those men taken by the Algerines are engaged in lawful commerce; these poor men are engaged in an unlawful act, but not knowing it to be unlawful, and believing it to be correct, they are as innocent, in fact, as those who act innocently. The gentleman says, suppose they were to return to their country, would they not be punished? If the facts, as they state them, are correct, as I believe them to be, I do not believe that they would be punished. The law does not punish a man because he does not act, but for the *quo animo* with which he does it.

Mr. TAYLOR said if he could view this subject in the light in which it had been viewed by most of its advocates, and particularly by the gentleman from North Carolina, (Mr. PEARSON,) he should think it was the duty of this Government to make exertion for the release of these people; but even then he should inquire whether any exertion in their favor would not rather do them an injury than a service; for it would be recollected that every gentleman who had spoken seemed to consider the mercy which was asked to depend upon and to be bestowed by the United States. Were I a Spaniard, and attended the debate in this House, I should think that gentlemen in favor of the resolution contemplated an infraction of the rights of the nation before whose courts, and by whose laws, these men were condemned. These fine appeals to mercy and humanity would apply well before the power possessing the right to bestow mercy, but are not applicable to the feelings proper to be exercised on this occasion by this House. I say that it is one of the attributes of Government to punish those who have infringed or broken the laws of the country. These people have been condemned by a Spanish tribunal; it is by that Government alone that mercy is to be shown; and an exertion by this House in attempting to bestow mercy upon these people is an infringement of that right. I challenge gentlemen to show me an instance in the annals of diplomacy of a like nature with this proposition. I recollect one instance, but I have heard no gentleman propose to go so far. Oliver Cromwell, when a member of the British Commonwealth, was imprisoned by the inquisition, ordered his admirals to draw up before the harbor and demand his release. This is the only case I have met with in the course of my reading, of an attempt by one nation to relieve criminals condemned by another nation under its own laws. If this view be a just one, it certainly becomes a matter of great delicacy. If this Government had never been by the most secret whisper implicated (unjustly, as I firmly believe) in this transaction, still it would have been a subject of the greatest delicacy for the Government of the United States to interfere. What will the Government of Spain, Junta,

King, or Governors of Spanish provinces to whom you apply, say to you on this subject? Why they will say—"We have long suspected, we have heard from your own quarter, that you were implicated in this expedition; you now give us proof; you have come forward in an unprecedented manner and interfered in a case with which you have no business, a case which is fully embraced by the sovereignty which we ourselves exercise over our own courts." Will it not at once be inferred that these assertions throughout the United States had been true, and that this Government was implicated or concerned, or, to use the words of yesterday, that this Government had connived at such an expedition? You will but render the sufferings of these people more rigorous. It is not to be conceived, although the gentleman from Massachusetts and others have acquitted the Government of participation, that the Spanish Government will do so also. Why, even in our cool and calm situation, you see that suspicion of the connivance of the Administration is not yet quite done away—and do you suppose, sir, that the Spaniards, against whom repeated expeditions have been made, at a distance from those sources whence conviction might flash upon their minds, will form the same opinion of the subject that we do? Fear forms a bias on their mind; and we form a conviction on the side on which we feel interested.

Gentlemen, in order to induce us to grant pardon to these men, which we have no power to do, have told us that they are innocent; because, forsooth, they themselves have said so. I recollect, sir, once in a conversation with a most eminent barrister in the State in which I live, who had often performed the duty of counsellor and advocate in our State, he informed me that in a practice of thirty years, in the course of which he had been concerned in the cases of many culprits, on many, nay, on all occasions, he put this plain question to his client: "I am your counsel; it is necessary for me, in order to make the best possible defence of your cause, to make the best statement in your favor, to know whether you are guilty or not." He declared that he had never yet met with a man who acknowledged that he was guilty. I believe that this disposition to appear innocent, is inherent in human nature. It is natural for these men to say that they are not guilty; they said so to the court before whom they were tried. Why were they not liberated? why was not that mercy which is so pathetically called for bestowed on them by that tribunal before whom the case was examined? If they are the immaculate and almost sainted victims which they are described to be, why did not the court which heard the testimony on both sides of the question bestow that clemency asked of us? I should presume, that when all the circumstances came out before the court, they were not favorable to the petitioners; and it is a respect due from this Government to the acts of that Government that such a construction should be put

upon this matter. If we are to distrust the acts of the Spaniard, because, as we are told, he is vindictive and cruel, he might justly say that we have not done to others as we would be done by.

We should place the President of the United States in a very unpleasant situation indeed by requiring him to demand these men, if we would not also be willing to go to war for them. As our navy is now afloat I would propose as an amendment to the project, if gentlemen are serious in their determination to rescue these men, that our fleet shall sail before Carthagena and compel the Spanish Governor or Junta to give them up. This is the only mode of interfering with a matter of this kind, which is sanctioned by precedent, as I have before stated.

It would seem, sir, as if the passing scenes of this world were entirely forgotten. The British Government has been suspected of having connived at this expedition as well as the Government of the United States. They have received Miranda into their bosom; and on the examination on the trial of Sir Home Popham, it did appear that he had received orders to sail for a particular port of that continent to create a diversion of an attack expected to be made in another part of it. But what have the British Government done on the subject? Have they not considered it a delicate one? Have they not in their conduct given us the most sound and wholesome advice on the subject? Although I believe these men were employed to answer a purpose all-important to her, yet she has not extended towards these sufferers in her own cause that clemency which is asked at our hands. These men who were suffering in her employ, demonstrably acting in furtherance of her interest, have not met with the clemency of the Government; and the case is more strong when it is recollected that since the capture of these men, although previously at war with Spain, Great Britain was not only at peace but in alliance with that nation. With all these favorable circumstances, when but a hint from the British Ministry in favor of these people might have released them, yet being so delicate a subject that it has not been touched by them, shall we, who have been crusading and exerting every nerve for the releasement of our seamen, and with all our efforts have been unsuccessful, shall we start on a fresh crusade for these men, when the efforts of the Government in the other cause, in so noble, so just, and so humane a cause, have as yet proved unavailing? Shall we engage in a contest for these people, who are acknowledged justly to be in the power and under the sentence of the courts of another nation, whilst the honest American tar, guiltless of harm, is writhing under the lash of every boatswain on board a man-of-war? If you will go on and reform the whole world, begin with one grievance first; to use a homely phrase, do not put too many irons in the fire.

Sir, if the Spanish nation has any feeling for

its sovereignty, it would spurn your request. Only suppose that nation to possess the same feelings which actuate every breast in this House; which actuate the American people. Suppose the claim of Mr. Burr to citizenship in Britain, on the ground of once a subject always a subject, had been recognized by the British Government. Suppose that he was suffering in chains in some of your prisons, and because they had heard that Mr. Burr might have been innocent, the British Government had asked his release, would not the people of America have spurned the request as an indignity to the nation? And may we not suppose that these proud Spaniards, as they are called, may have feelings of a like nature? I believe, sir, that the course proposed would only add rigor to their sufferings, weight to their chains.

Mr. LIVERMORE asked if the committee which made this report had not before it evidence that certain British subjects concerned in Miranda's expedition had been liberated on the application of some officers of that nation? If they had it would be a fair answer to the eloquent speech of the gentleman from South Carolina.

Mr. RANDOLPH said he did not think that the information asked for by the gentleman was at all material to this case. It was a matter of no consequence at all, as respected the statement made by the gentleman from South Carolina on (he had no doubt) very good grounds. What, said Mr. R., has been the situation of Great Britain in relation to Spain? Great Britain, at the time the expedition was undertaken, was an enemy of Spain—was at actual war with Spain—and therefore in a subject of Great Britain it might have been highly meritorious to annoy Spain, either at home or in her colonies to the utmost extent in his power, without any direct authority from his Government. Subsequently to that time, however, Great Britain has become the ally of Spain in consequence of the revolution; and at that time Great Britain obtained from persons exercising the authority of government in Spain the release of these prisoners, which it is perfectly natural Spain should then have granted. But suppose, instead of that change having taken place in the relations between Great Britain and Spain, Bonaparte had quietly succeeded in putting King Joseph on the throne of Spain and the Indies, and applications had then been made; or suppose that the application had been deferred until now, and the power of the House of Bonaparte was as complete over the colonies in South America as we have every reason to believe it is over the European possessions of the mother country, would the British subjects in that case have been released? It is an unfortunate circumstance that no question can be agitated in this House and tried upon its own merits; that every thing which is, has been, or may be, is to be lugged in on the question before us, to the total exclusion of the merits of the case, and in this way, instead of a session of three and

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six months for doing the business of the nation, if every question is to be tried in the manner in which it appears to me this has been, we may sit to all eternity and never get through it.

I lay no claim to greater precision than other men; but really I cannot perceive what kind of relation, what kind of connection exists between most of what I have heard on this subject, and the true merits of the case. Gentlemen get up and abuse the Spanish Government and people, and what then? Why, it appears all this is preliminary to our making an humble request of this Government and people that they shall grant us a particular boon. To be sure, sir, all this time we do plaster ourselves unmercifully—we lay it on with a trowel—and gentlemen seem to think that if we sufficiently plaster ourselves, our President, and people, and be-devil every other Government and people, it is sufficient to illuminate every question. And this is the style in which we speak to Governments perfectly independent of us!—A very wise mean, to be sure, of inducing them to grant the pardon of these people as a favor to us. Sir, it would be a strange spectacle, to be sure, when this Minister that is to be, this sort of anomalous messenger whom you are going to send, I know not exactly to whom; whether to the Junta, or persons exercising the power of government in the provinces, or to the Government in Europe; when this Minister goes to Carthagena or elsewhere, if he should carry to the Viceroy along with his credentials a file of papers containing the debates on this question. Why, sir, like Sir Francis Wronghead, we appear all to have turned round. My honorable friend, the gentleman from South Carolina, (Mr. TAYLOR,) spoke of the crimes of these men. Gentlemen on the other side, who wish them to be pardoned, tell you of nothing but of their innocence, and the injustice of those who condemn them and now have them under punishment. Two more such advocates as have appeared in favor of this proposition would damn the best cause ever brought before any House or any court in Christendom. The gentleman from New York, (Mr. EMOTT,) who spoke yesterday, certainly very pertinently, and very handsomely, tells the House that in this case no other money than that of the United States, will be received; that with a sort of Castilian fastidiousness, those persons acting for the Government of Spain will not touch any money which shall not be offered in the quality of public money. I believe no such thing; and moreover, I wish it to be distinctly understood that the question of money is not the question with me; and that to suppose it necessary for the Government of the United States to interfere for the purpose of raising so pitiful a sum as \$3,500 for the relief of these unfortunate men, whose situation I most seriously deplore, is a libel upon the charity of this country. I believe, notwithstanding the public impression on this subject against the petitioners, that the money could be raised in half an hour in any town in

the United States. I believe it might be raised in that time in the city of Washington. It is not a question of the amount of money wanted; it is, whether the Government of the United States shall lend its countenance to persons situated as these unfortunate people are? Sir, had we at that time been at war with Spain, as Great Britain, something might be said in favor of these persons. But we were not at war with Spain, and these men knew it; and I believe they knew at least as well as I know, that when a man is recruited for *public service*, as they say they thought to be their case, he is immediately taken before a justice of the peace and sworn. This part of the ceremony, however, is not stated to have taken place. To be sure, sir, the gentleman from New York (Mr. EMOTT) said, I believe, every thing that could be said in favor of those unfortunate people, and really almost convinced me that we ought to make this interference; but unfortunately for him and for his cause, other advocates rose up in its favor and placed the subject in a situation not only as respects the majority of this House, but as respects that Government with whom intercession is to be made, which will completely foreclose any attempt at relieving the sufferers. It is not possible that the majority of this House, or that the Spanish Government, can be affected in any other manner than with disgust and indignation at such stuff. The gentleman from New York told us that these were ardent young men, who were anxious to go to Caracas for the purpose, I think, of correcting the despotism which existed in that country; or otherwise, political Quixotes. This, I take it, will operate little in their favor with the Spanish Government, however it may in ours. I confess I feel very little sympathy for those who, overlooking their own country, and the abuses in their own Government, go in search of political adversaries abroad—go a tilting against political despots for the relief, I suppose, of distressed damsels compelled to live under them.

The question was now taken, and the votes being affirmative 62, negative 61, the SPEAKER voted in the negative—the votes then being equal, the question was lost.

MONDAY, June 19.

*The Battle at New Orleans.*

The House proceeded to consider the resolution submitted by Mr. MAOON, on the sixteenth instant, in the words following, to wit:

“Resolved, That so much of the message of the President of the United States of the seventh of March, one thousand eight hundred and eight, as relates to the battle in the suburbs of St. Mary’s, adjoining New Orleans, and the documents accompanying it, together with the petitions of Edward Livingston, and the petitions of the citizens of New Orleans on the same subject, and the documents which accompanied the same, be referred to the Attorney-General of the United States, and that he be instruct-

ed to receive and collect such other testimony as may be necessary to ascertain the title of the United States to the before-mentioned batture, and that he be directed to report to this House, at the next session of Congress, his opinion as to the validity of the claim of the United States to the said batture."

Mr. BURWELL thought that this was not the proper course to pursue; but that the course recommended at the last session was the one, viz: to give the petitioners the right of appeal from the decision of the Orleans court to the Supreme Court, or to give the United States the same right, should the decision be against them. He could see no advantage in the procrastination now proposed, nor any injury to the United States or the city of New Orleans, in the course which he advocated. He doubted, although the letter of the law of 1807 might cover this case, whether it was ever intended that that law should operate as this had done. My intention, said he, in voting for it, was that it should apply exclusively to the Western lands, commonly called the Yazoo lands, and such other lands as were occupied by hundreds who might be formidable from their numbers. To undertake jurisdiction on questions of property is taking upon ourselves the functions of another department of the Judiciary. The case involves important points of law—and let me ask, whether the gentlemen in this House are so well read in law as to be able to decide such an important point as this? It does appear to me that on all the questions of private property arising in the United States, where the question of right is not to be brought before this House, we ought to consult the convenience of the parties by promoting dispatch. On the question whether this property belong to the United States or to the petitioners I am completely ignorant. Nor would I have it inferred that I believe the petitioner to have a right to the property; I take it that the claim of the United States must be good, or the inhabitants of Orleans would not be so zealous in the support of it.

Mr. POYDRAS asked for the reading of a letter which he had received from the Governor of Orleans Territory, which was accordingly read. The letter states, that if it were possible that the committee to whom Mr. Livingston's claim was referred could now visit New Orleans, they would be convinced that the batture, now covered with water, was in fact the bed of the river, and, therefore, could not be private property. Mr. P. stated the history of this piece of alluvion at some length, and the circumstances under which it had always been deemed public property.

Mr. SHEFFEY said that before passing this resolution, gentlemen ought to ascertain what the Attorney-General could do in this case. He could not compel the attendance of witnesses, or collect testimony of circumstances which occurred a hundred years ago; and unless he could do this, it was impossible he could examine the title, for testimony as to facts was essential to enable him to form a correct opinion.

What influence could the opinion of the Attorney-General have? Was the right of the citizen to fall prostrate before such an *ex parte* opinion or statement as that might be? If it was not to have influence, why thus evade a decision on the prayer of the petitioner? If it was to have any influence, it must be a pernicious one, because founded on *ex parte* testimony. Would the House go into the merits of the case on this opinion, when obtained without affording an opportunity to the party interested to prove that the law was not correctly expounded nor the facts correctly stated? Surely not. If they did not, if they heard opinions on both sides, they converted this House into a judiciary tribunal. Was this body calculated for that branch of Government? No; this, Mr. S. said, is a Government of departments, each of which ought to be kept separate. What, sir! is this a question of right between the United States and an individual, and we are about to take it into our own hands, to wrest it from the constitutional authority, and decide it ourselves? I hope we shall not; and, therefore, I am against this proposition. What does the Attorney-General state in his report? Aware of the impropriety of his deciding, he tells you—what? That the usual course, where the rights of the United States have been involved, has been to appoint commissioners to hear and decide. Here the Attorney-General tells you it is not proper for him to decide. And I should never wish to see the case in which the Attorney-General's opinion is to give authority for dispossessing an individual of his property; for if it can be done in one case it may be in every case. Any individual may be driven from his property by military force, and then his title be decided by an ill-shapen, one-sided statement and opinion of the Attorney-General. Against such a decision I do protest. Is it because you have power on your side, sir, that you will not submit to a judicial decision of this question? If there be a controversy about a right, there ought to be a judicial decision.

I, sir, have been unable to see how an individual having property, in which he was put in possession in 1804 or '5 by a judicial decision, could be disposed of it by the act of 1807, the operation of which was limited to acts done hereafter, that is, after the passing of that act in 1807. That law too speaks of "lands ceded to the United States." Was the batture ceded to the United States? I say not, because it was private property before the United States possessed the sovereignty of the country. By the treaty of 1803 with the Government of the United States, the rights and property of the inhabitants of Louisiana was secured to them. What then is the inference from this state of the case? That the United States got possession illegally, in defiance of judicial authority. I am sorry to see that the judicial authority has been set at defiance, and the Presidential mandate carried into effect at the point of the bayonet, right or wrong. This was the case.



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Those who were put in possession were ousted by military force. Let me not be understood as throwing odium on the Executive; far from it. I believe the Executive acted conscientiously, but upon an *ex parte* statement. The President was never told that the case had been judicially investigated. Those facts were taken for granted, on the other hand, which did not exist, and those which formed the foundation of the true merits of the case, were withheld.

Mr. POYDRAS spoke at some length in reply to Mr. SENEFF, and in defence of the title of the United States. The batture had many years ago been considered as public property, and no one who examined the circumstances of the case could for a moment doubt it. He said that it had never been claimed as private property until after it came into the possession of the United States. He hoped the rights of the public and of the people of New Orleans would not be trampled upon to grant the petitioner his prayer.

Mr. MACON said that he was himself in favor of giving the right of the United States to the property to the people or corporation of New Orleans, and letting them and the individual contest it. There was nothing new, however, in the reference of a subject to the Head of a Department, whose opinion would have no more weight than reason, and so far only ought it to have weight. Mr. M. said he had no more desire to interfere with the judiciary than either of the gentlemen who had spoken. If provision was made for trying this case, must it not be extended to all others? In order to do justice, it must be done to all. Had not a special court been refused in relation to a property of much greater value than this? Before Congress made a special court for a certain case, they ought to look at the consequences. It was departing from the general system of the nation to appoint a court for a special case. Perhaps there was something in this case which differed from other cases: but he doubted whether it would warrant the appointment of a special court. Mr. M. said he saw no other way of treating this subject but by letting it go before the courts already organized. If the right was in the petitioner, be the consequences what it might, the city of New Orleans had no right to take it away from him.

Mr. TROUP observed that this case was probably one which would fall under the old maxim, *nullem tempus occurrit regi* or *reipublica*. It appeared to him that there was a constitutional difficulty in this case, which did not appear to have suggested itself to the mind of any gentleman. First, has the United States a claim, either real or disputed, to this territory? Whether disputed or otherwise, provided the claim be asserted on its part, the question is, has the Congress of the United States a power to decide the validity of that claim? And if it has, is it proper so to decide it? What is the subject-matter in dispute? Public property; and what species? Landed. Then the question

results, has Congress a right, in order to determine its title, to refer it to any tribunal whatever? I contend not; the right to public property was originally in the people of this country; they could never be divested of their great public right to the landed property of the nation, but by their express consent. They did give that right to the Congress of the United States, in declaring that it should have power to dispose of and make all needful rules and regulations concerning public territory. Would it have had that power, if this right had not been expressly delegated? I know that, under the old Articles of Confederation, Congress did undertake to legislate as to property; but it was always questionable whether they had a right to do so—and this was not the only point on which Congress did exercise powers which were brought into question. The right to determine claims to public property is not only guarantied exclusively to Congress by the constitution, but the practice has been invariably pursuant to it; it was so in 1807. The Government not only asserted its right in the first instance, but asserted its power to enforce the right at the point of the bayonet. If the public have always been in possession of a certain property, the man who enters on it without their consent is a trespasser on that property. Upon this view of the subject, there is a constitutional difficulty on which the House should decide, before it entertains a motion for delegating a power to decide this question to any tribunal or commission whatever.

Mr. BORD said, admitting all the gentleman had said to be true, his observations did not apply to this case. He had spoken of the right to public property. The question now was, whether this was public property or not; if it were certainly public property, on which ground the gentleman rested his argument, there could be no question on the subject. It was asked only before they decided between the individual and the United States on the right to land, not confessedly public property, but claimed as such, that fair investigation should be had. Mr. B. disclaimed the power of deciding judicially upon the subject; it was a right which he had never thought of this House claiming. A delay of justice was a denial of it. The individual petitioning had been in possession of the property; it had been taken from him by force, and he now asked a trial of his title before a competent court—and this opportunity, Mr. B. said, he ought to have as speedily as possible.

Mr. RANDOLPH said he should vote against that report. He said it was no part of his intention to deliver any opinion on the merits of the claim, although he had devoted not a little of his time to the study of that question, for two reasons: first, that it would be a prejudicated opinion, inasmuch as that was not the question which the House were called upon to decide, even if it were competent to decide it. I am extremely sorry, said he, that the law of

1807 has been brought into view of this House by my friends from North Carolina and Georgia, and for this reason: that that law has no bearing at all on the present question. Its object was wholly different from that to which it has been misapplied. What, sir, was the object of that law? To defend against a conspiracy, I may properly term it—against the lawless violence of confederated associations, a vast property. How has it been applied? Not to a great public property, but to a speck of land, to which, as I understand it, a single individual, or at most three or four, put in a claim. Such an application as that of the law in question was never intended by the Legislature; and, if applied to such a property as the batture, and to the case of a single individual, may be applied to the property of every man in society. What is the doctrine of my friend from Georgia? That the public are always supposed to be in possession of the national domain. True, sir, and it is also true that those who enter upon it and endeavor to appropriate it to themselves, are trespassers, and as such, may be resisted by force. But that is not the case in the present question—very far from it—for the public never had been in possession of the property in question.

Without attempting to enter into the merits of the real title to the land in question, let us take it on the ground of the right of the citizen. A citizen comes before this House, and complains that he is dispossessed of his common right by arbitrary power. If, after a cause has been heard by a court, and a citizen put in possession of a property, by a decree of that court, he is dispossessed of it by military violence, where, if not before this House, is he to prefer his claim for redress? There is no court before which he can go, because the court which is the last resort in this case has already unavailingly given its decision. There is no court of appeal, no superior tribunal, and if there were, and a decree of the Supreme Court obtained in his favor on the appeal, what is any decree to avail against armed men—against muskets and bayonets? But this is not the only reason why I am sorry that the act of 1807 has been brought in to apply to this case. It is because, if this House can be once prevailed upon to consider this case as analogous to the Yazoo case, many most injurious consequences must follow therefrom. The first is, that that odious and supremely infamous claim will be put upon a ground which it is by no means entitled to occupy; and I entreat my friend from Georgia, and those whose minds are unalterably made up on the Yazoo question, not to give their enemies such a prize as they must have on us, if we agree to confound the Yazoo claim with that before the House. There is no sort of analogy between them. On the other hand, sir, supposing the right to be in the United States, I beg gentlemen not to create so forcible an interest against the rights of the United States as will infallibly be embodied against it

if we confound the two. I have no idea of giving the Yazoo men such a handle. Again, let us suppose, if we can suppose it, that the right is in the petitioner; may it not, supposing a great majority of the House to be against the Yazoo claim—we do not know how they are disposed—may it not create an unjust bias against the petitioner? So that in whatever aspect we view it, it is not only impolitic, but, what is worse, extremely unjust to attempt to identify the two cases. And, sir, it is a matter of curious speculation, that while the act of 1807 has been brought into operation in the case of a solitary individual and a little speck of property to which it was not intended to apply, even supposing the case in question to have arisen subsequently to the passage of that act; that, although it has been misapplied in this case, it has not been applied to the case to which it was intended to apply, and for which it was enacted; for, if I understood my friend from Georgia a few days ago, some hundreds or thousands of intruders have set themselves down on the public lands, and the public force has never been employed against them. On the contrary, the artillery of Government has been brought into play against a single individual. It was, indeed, said that these intruders had agreed to remain as tenants at will; but, let them remain till they are sufficiently strong, and they will give you another chapter in the history of Wyoming; for, after they are sufficiently strong to hold territory, although the arm of Government has been applied successfully to oust a single individual put in possession by a decree of a court, you will find it nerveless to expel these men.

With regard to the doctrine *nullum tempus occurrit reipublica*, it is a dangerous doctrine, if carried to the extent to which I apprehend my friend from Georgia would carry it. I venture to say that the abuse of that doctrine in the celebrated case of Sir John Lowther and the Duke of Portland, which created one general sentiment of indignation in the British nation—an attempt under that maxim to deprive a subject, hostile to the Court, of property of which he had been long in possession, for the purpose of transferring it to a minion of the Court—that case, with all its aggravated enormities, does not come up to the case before the House; and I speak without reference to the question whether the petitioner has a right or not to the property in this case. The question of right is not before the House, and that question, decide which way you will, can have no sort of weight in the vote which the House ought to give. The question is this: Having been long in possession of a piece of land, the title deeds destroyed, records burnt, and possession the only title you have to show, an attempt is made to dispossess you of the property; a decree of court confirms your right; if the individual, under these circumstances, can be turned out of possession by main force and strength, and that, too, military force, there is

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an end in the right to property of every man in the country. Sir, I have been astonished, and grieved and mortified, to see so little sensation created in this nation by the procedure in question. It strikes at the root of every thing dear to freemen. There is an end of their rights.

What, then, is this case? An individual comes before us, and says, that after having been put in possession of a piece of land, (I speak not of the validity of his title; it is not concerned in this question,) he was dispossessed by military force of this property. These two facts I do not understand any member of this House to deny. And what does he claim? He claims of you, as the guardians of the rights of every man in society, *justice*. And where do you send him? To the Attorney-General. I will suppose that in the Lowther and Portland case, the Duke of Portland had been referred to the Attorney-General. Would the English nation have endured it? No, sir. Much less would they have endured, military as the nation is becoming by the introduction of large standing armies, that he should have been dispossessed of his property by an armed military force, at the fiat of the Crown. The question is, what should be done? Sir, what should not be done is perfectly clear. It ought not to be done that the petitioner should be sent to the Attorney-General, who has already given an opinion on his claim, though that is very immaterial, which opinion it seems we cannot find. If I understand any thing of this Government, however, it ought to be on record, and this return of *non est inventus* ought not to have been received. All that we have to do, it appears to me, is to make a provision, in the nature of a declaratory law, not amending the act of 1807, but, declaring what the law is; and we ought to quiet the rights, and the mind too, of every man in society, by declaring that, by the act of 1807, it was not intended to authorize the President of the United States to interpose the bayonet between the courts of justice and the individual. This power never has been given, never was intended to be given.

Mr. GOLD said that this was one of the most important subjects that had ever been brought before the House. He did not mean to enter into the merits of the case. The gentleman from Virginia had very clearly expressed all those sentiments which every man must feel on hearing the history of this case; and as regarded the ground taken, of *nullum tempus occurrit*, the gentleman had repelled it very properly—and indeed in that country whence the maxim had been derived, whenever it was attempted to be put in force against ancient possessions, it had been executed with great difficulty. It is in the very teeth of *Magna Charta*, which says that a freeman shall not be dispossessed of his freehold without a better right is ascertained. There are a variety of forms by which the right is guarded. If I, said Mr. G., understood the gentleman from Georgia, (Mr. TROUP,)

he considers it a sacrifice of the rights of the United States to permit a decision on its property to pass into the hands of third persons. Even in England the prerogative is not carried so far. The Crown has frequently consented that the right of Government should pass into the hands of third persons, viz: of commissioners, for the purpose of investigation.

I will not trouble the House with lengthy remarks on this subject. I can hardly advert to it without feeling all that has been much more eloquently expressed by the gentleman from Virginia than it is in my power to express it. Let gentlemen look around and see if they can find a precedent for this transaction. And when we consider it, every man's feelings must be operated upon too strongly to permit him to argue. The course suggested by the gentleman from Virginia must prevail, or we no longer live under a Government of laws, and those principles on which it is founded are destroyed. The man ousted must be put in possession, must be restored to the possession of the property which the hand of violence has wrested from him; and I hope that a proposition to this effect in a proper shape will be presented.

Mr. GHOLSON said he thought it would better become the character of this assembly to discuss every subject with calmness and deliberation, and on its own merits, than to endeavor to influence the decision by an appeal to the passions. It was important that such a course should be pursued, whether with reference to a great political principle or to the interest of the individual whose rights were said to have been wantonly prostrated at the Executive will. I (said Mr. G.) have been early taught, and the doctrine has grown with my years, that the right of property is not one of the least consideration in a free constitution. It is of a nature so sacredly inviolable that, when clearly ascertained, I would never encroach upon it by any means but through the regular constituted authority. It would have been under this impression that, had I been a member of the Legislature when the law of 1807 was introduced into the statute book, I should have been opposed to it. But receiving all the sanctions of a law, and as such containing a rule of conduct in certain specified cases, what was the Executive to do? Was he to set at defiance the law of the land? A doctrine like this can never be contended for. It seems, however, that to satisfy gentlemen the President should have refused to carry this law into execution, which I acknowledge does usurp judicial authority.—[Mr. RANDOLPH said that his ground was that the President had not executed the law. If a law were ever so unconstitutional, the President having signed it, it would become his duty to carry it into effect. But he denied that he had carried it into effect.] Upon that point, continued Mr. G., my colleague and I are at issue. I rise not to discuss the merits of the claim, which I have no disposition to do. I rise to defend the late President of the United States,

to endeavor, to the extent of my feeble powers, to place this question in a proper point of view. If the President of the United States has gone beyond the letter of the law, which itself tends to encroach on the rights of the citizen, I would be the last person to justify him in thus trespassing on the dearest rights of a freeman. But it is very easy to show that he has not exceeded the express provisions of the law in question.

The act of 1807 contains two clauses having a bearing on the subject; the first ascertaining the character of the persons to be ousted, and the second providing the means of ousting them. The President is authorized to exercise this power, either where property was previously in possession, in which case he is to give notice, or where it was subsequently entered on, in which case he is not required to give notice. It is easy to show that this is one of the cases contemplated by that act. It is well known that the feudal law did exist in Louisiana, previous to its acquisition by the United States, and that by that law alluvion does accrue to the Crown. Now, if the feudal law did exist, and by that law alluvion did accrue to the Crown of France, does it not follow that the same right did accrue to the United States by the deed of cession from France, who owned the territory? If the claimant was in possession when this act passed, it became the duty of the President of the United States to give him three months' notice previous to his removal; if not, no such notice was necessary. On this point I need only refer to the fact that it was not so early as the passage of the act, indeed not till the 28d of May, that the claimants came into possession. They were quieted in possession, so far as the rights of the United States were not concerned, on the 28d of May, 1807.

The decision of the corporation court of New Orleans is relied on as giving a title to the petitioner. That that decision did at all affect, in the remotest possible degree, the right of the United States, is a position which no man acquainted with the principles of law will contend for. The decision cannot affect the right of the United States, because it was not contested or defended before that court.

It is said that the feudal law does not exist in France. From time immemorial it has existed all over Europe. That it exists at this time in this country there can be no doubt. The right to lands is allodial, but is inherent in the Government. Is it denied that the Government can take property from an individual, making him compensation therefor? If the right to land be indefeasible, could the Government run a road through it? It certainly could not. I wish it to be distinctly understood that I do not attempt to say where the real right to the property in question does reside. But I do say, that, according to the treaty of cession, it did become the Government of the United States to exercise the power which the President under the law of 1807 did make use of.

If there has been any violation of right, it was in the passage of the law under which the President acted. It was such a one as, under present persuasion, I could not have voted for, even to remove a Yazoo purchaser. I would even give to such a one his right to a fair trial. I would not have agreed to pass it, for a reason given a day or two ago, that the right to trial by jury is inalienable; it is a right which descends to us with our other birth-rights; it is one without which liberty is but a name. It was an unfortunate circumstance that such a law did pass. But if the Legislature thought proper to enact such a law, let them not, in the name of the great God, throw the blame on their instrument, on the President, who was innocent of fault, and bound to carry the statute into effect. There is undoubted proof that the President only acted in pursuance of the statute. The retroactive part of the statute is the most horrible feature in it.

But it is said that this is an extreme case, that this small spot was selected as the object of Executive vengeance. I am informed that in almost every instance of intrusion on the public lands, settlement was made by individual claimants. I would rather give up fifty times the value of land of the United States than to encroach against law on that of any individual. It was not the execution of the law which encroached on the rights of the citizen, but the law itself. I would ask, how can it be contended to the contrary? Who was in possession of the land when the law passed? It had been used as public property, and had every requisite to that character; and as such, when any one took possession of it, the President would not have done his duty under the act of 1807, had he not caused them to be removed.

MONDAY, June 26.

*Non-Intercourse.*

On motion of Mr. SMITH, the House resumed the consideration of the report of the Committee of the Whole, on the bill from the Senate, to revive and amend certain parts of the act interdicting commercial intercourse.

Mr. DANA said the amendment moved to the amendment of the gentleman from Virginia (Mr. SHEFFEY) went to give a construction to the bill which would operate as a complete exclusion of the vessels of both powers until a satisfactory adjustment of all existing differences shall have taken place. What, said Mr. D., is the situation in which we are now placed? On what principle is it that British ships were first excluded and on which their exclusion was confirmed by the non-intercourse law? They were originally excluded by the proclamation of the President of the United States in consequence of the attack on the Chesapeake. The President of the United States now in office has declared his acceptance of the proffered terms of satisfaction for that outrage. And, after that, is it proposed that we shall continue the meas-

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ure of hostility when the cause alone which led to it is completely done away? I should suppose that in the very act of adjustment, which took place between the British Minister and the American Secretary, it is implied that we should do nothing further on this subject. The President of the United States has accepted the satisfaction offered; he has declared those terms, when performed, to be satisfactory. And are gentlemen considering the restoration of the seamen taken from the Chesapeake as a reason why we should continue the interdiction? If we examine this subject fairly, the great principle of reparation was disavowed of the claim to search our armed vessels, and a homage to our rights. That matter must be deemed to be settled, if the President of the United States had authority to settle it. If the President had not power to settle it, this furnishes strong evidence that the vote of approbation of his conduct was a proper proposition.

As to the interdiction by the non-intercourse act, I apprehend that was founded on the violation of our neutral rights by the belligerent powers, the President of the United States being authorized to renew trade whenever the edicts violating our lawful commerce should be revoked. Whether or not the President has done right in accepting the assurance instead of the fact, gentlemen have considered it unnecessary for them to express any opinion upon it. If there be no edict affecting our lawful commerce in force by one belligerent, the interdiction is at an end in point of fact in relation to that one. The question of the affair of the Chesapeake is settled, if the President had power to settle it; and as to the other cause of interdiction, the President has declared that the British orders will have been revoked on the 10th of June. Has the President acted correctly or not? If he has acted correctly in taking the assurance for the fact, the very principle of the non-intercourse is at an end as respects one of the belligerents, and there can be no ground for the exclusion of British armed vessels.

Mr. TAYLOR said he thought the gentleman from Connecticut used the word hostility in relation to this measure of including British armed vessels from the United States. Now, I believe, sir, said Mr. T., that if we go to the opinions entertained, not by the President of the United States, but entertained and expressed in the very foundation of the arrangement which was made, it will be found that the very hostility intended to be produced by the President's proclamation ceased at the moment when we passed the non-intercourse act in which we excluded the vessels of both the belligerents. The hostility was in the admission of the armed vessels of one, and excluding those of the other. It ceased by the non-intercourse law, and so satisfactory was this law of the last session, that it was the very foundation on which the overture was made which ended so much to the satisfaction of this nation. So that, in fact, when we perpetuate the order of things

produced by that act, we do not perpetuate the state of things produced by the interdiction proclamation of the late President. It was matter of satisfaction to the British Government, as expressed by their Minister here, that the quality of hostility in the exclusion of her vessels was taken away by the non-intercourse law. Have we promised, in the negotiation which has taken place, that we will commit an act of hostility against France for the boon which we have received from the hand of Great Britain? No, sir; and yet, if we take the definition of Mr. Canning, as to excluding the vessels of one belligerent and receiving those of the other, according to the mode proposed by the amendment, without the sentence moved to be admitted to it, it will in fact be agreeing to go to war with France. According to the opinion of Britain, promulgated not only to this Government but to the world according to the demonstration made by the British Government, you will undertake a measure of active hostility against France; for what? For any great boon that this Government has received from the hands of Great Britain? No, sir. If all the promises were fulfilled to their full extent, we should then receive but justice at her hands. It was acknowledged, too, in the discussion which took place, that any nation, particularly a neutral nation, has a right to exclude the armed vessels of both belligerents; but that, on the contrary, the state now proposed to be produced, the exclusion of one and admission of the other, is an act of hostility of the party excluded. As I would not be compelled by the utmost ill usage by either belligerent to take part with the other against that one, neither will I take a consent or refusal from one or the other, to do us justice as a motive for alliance, or a war which shall compromise our neutrality. I now speak of both, for both have used us as ill as was in their power. As kicks and cuffs have not compelled us to take part with them, neither shall caresses or fawning, for we will mete out an equal measure of justice to both. I consider the state of things produced by the non-intercourse as totally distinct from that produced by the proclamation of our late illustrious President.

Mr. FISK.—It was my intention not to have troubled the House with any remarks on the bill now under consideration. I could readily have reconciled it to my feelings to have given a silent vote in favor of the bill, had not so many and various objections been made against it. But as it seems to be objectionable, and susceptible of so many amendments, in the opinion of so many gentlemen, the House will indulge me, while I offer the reasons which will govern my vote.

This bill for which we were convened, has, during the time we have been here, received as yet but a small portion of our attention; and it is so important that upon its passage, and the principles it shall embrace, may depend the destinies of our country. It deserves our im-

mediate and most serious attention. I hope it may be coolly and dispassionately examined, and treated according to its real importance. Its principles have been carefully and scrupulously investigated by the committee who reported it, or a bill similar in its provisions, of which committee I had the honor to be a member.

The language is plain; public ships are not interdicted. There is but one question to be decided in disposing of this bill, and that is respecting public ships; for I believe all will agree to renew the non-intercourse act as respects France. The question is, what regulation shall we make respecting public ships, and one of three courses is to be pursued? Shall we exclude both, admit both, or discriminate?

There are many who would be willing to exclude the armed ships of every foreign power from our harbors and waters. And considering what we have suffered by admitting them, it may be well questioned whether it would not be the best policy of this nation to interdict them by a permanent law. Yet many gentlemen object to this, as being inexpedient at this period. It is said, and it is the principal argument urged against it, that it might embarrass our impending negotiations with Great Britain to interdict her public ships by this act. As I feel as much disposed for an amicable adjustment of our differences with that nation as any member of this House, and would be as unwilling to embarrass the negotiation, I would not insist on this interdiction.

It is also said that England has made reparation, or agreed to make reparation, for the aggression which caused the interdiction of her public ships, and that as the cause no longer exists the interdiction should cease. *Be it so*; and may we never have fresh cause to renew it!

But, say gentlemen, we must not now recede from the ground we have taken with respect to France, we must discriminate. Let us for a moment view the ground we have taken—not only as relates to France, but England also.

We are not at war with either of the belligerents. Our Ministers at their respective Courts are endeavoring to negotiate, and by negotiation to obtain redress for the injuries of which we complain, and whatever precautionary measures we might adopt would not be deemed a violation of our neutral character, so long as those measures were equally applicable to both the belligerents. We could not be deemed to have taken part with either to the prejudice of the other, while no other was benefited by our measures. While British public ships were interdicted, and our embargo existed, an offer was made to both the belligerents to resume our trade—the same equal terms were tendered to both. The nation refusing is left without a cause of complaint against us, for resuming our trade with the nation accepting the offer.

Before either nation does accept, America changes her position. The embargo is abandoned, and a general interdiction of the public

ships of England and France, and a non-intercourse with these nations and their dependencies, is substituted. By this non-intercourse act, the particular interdiction is merged in a general regulation. This was to exist until the end of the next session of Congress only. This was virtually saying, that the proclamation interdicting British public vessels from our waters for a particular aggression shall be revoked; and a general municipal regulation, over which the President shall have no control, shall be substituted in its stead. It was then, in order to preserve our neutral character, necessary that this rule should embrace both the belligerents. It may be said, and has indeed been frequently said, that the reason of extending this restriction to France, was her having burnt our vessels and imprisoned our seamen. But never, at least in the history of diplomacy, have cause and effect been more distant and unconnected. France, on the high seas, burns our vessels, and in her own territories imprisons our seamen. We, at the distance of three thousand miles, interdict our ports and waters to her public ships, which do not or dare not come within five hundred leagues of the line of our interdicted territory, and this is to retaliate for the aggression. Can this interdiction be defended on this ground? It cannot. There must have existed some other reason. It was to preserve our relations with the belligerents in that state that should be consistent with our professions of neutrality.

Had the interdiction been confined to British vessels by this law, what would Great Britain have said to this discrimination? In vain might we have told her that we meant to preserve our neutral character, and not to take a part with her enemies in the war against her. Our acts would have been directly opposed to our professions. With this discriminating, permanent, municipal law, could we expect Great Britain to treat with us as a neutral? If we did, we should be disappointed. If, then, it be inexpedient to make this discrimination against Great Britain, how is it less so, when directed against France? We are to admit British and exclude the French. And, are we to endeavor to negotiate, as neutrals, with France, upon this ground, with any reasonable prospect of success? It is desirable that the commercial intercourse between this country and France should be restored. Peace and free trade is the interest and the object of America. While we throw wide open the door of negotiation to England, why should we shut it against France? While we facilitate negotiations with the British, why should we embarrass and prevent the same with the French? I wish to leave the Executive and treaty-making powers of our Government free and unshackled, to enter on negotiation with both these Governments, under every advantage of success which we can give. On what ground can this discrimination be defended? You adopt this measure. Our Minister at Paris is requested to explain it. Is there any advo-

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cate for this discrimination in this House, who can conceive the grounds upon which our Minister or our Government are to justify this measure with our relations of neutrality? It cannot be defended. I am not for yielding to either nation, but, let our conduct be consistent, impartial, and defensible. If then, we are to be involved in a war with either, the resources of the country and the hearts of our citizens will support the Government, and we need not be afraid of the world. But those men, or that Administration that will, upon a mere useless, punctilious point of etiquette, commit the peace and happiness of this country to the ravages of war, will meet the indignation, and feel the vengeance of the intelligent citizens of the country. This temerity would meet its merited punishment. The people of America can see, and will judge for themselves; they can readily discern the difference between shadow and substance; they are neither to be deceived or trifled with, especially on subjects of such immense moment to their liberties and happiness.

Mr. BURWELL said he deemed it in some degree his duty to make some remarks on the bill before the House. He intended to vote against both the amendments proposed to the bill. I think (said Mr. B.) that if my colleague who moved the first amendment, (Mr. SHERFFER,) had taken that view of this subject which might have been presented to his mind, he would not have found such error in the course proposed to be pursued. He seems to have taken another ground, when by the clearest demonstration it might have been shown that the system proposed is one of impartiality to the belligerent powers of Europe. It will be recollected by gentlemen of this House, that at the time the exclusion of French armed ships took place, it was upon the express ground that the British Government objected to come to an accommodation with us, because we excluded her vessels and nominally admitted those of her enemy. On that ground I venture to say that the exclusion took place; because, at the time that it took place, it was considered a measure absolutely favoring Great Britain, yet not injuring France by a nominal prohibition of the entrance of her vessels. It was stated that there was not perhaps in the course of a year a single French public armed vessel in the harbors of the United States. Have we any French frigates now in our seas? None. Is there any probability that there will be any? No, sir; for France having now lost her West India Islands, if her vessels are freely admitted, it is probable that there would not, in the course of five years, be a single French vessel within our waters. As the exclusion would be perfectly nominal, I would not adopt any thing to prevent a settlement of our differences with France. I am not now sanguine in my belief that we shall settle our differences with her; for every one acquainted with that Government knows, I fear, that it is not to be diverted from its object by any arrangement we may make. But I would do

away every possible justification that could be urged by France for not meeting our overtures for peace. This conduct would produce at home more union among our citizens; and, when our rights are attacked without a pretence for their infractions, there can be but one sentiment in the nation. I have always determined to admit British vessels as far as my vote would go; and should the House determine to exclude French vessels I should still vote for the admission of English vessels, because their former exclusion has been so artfully managed by the British Government, and the doctrine has been so admitted by the presses in this country, as to give rise to the most unjustifiable conduct ever pursued by one nation towards another. As to the idea advanced by the gentleman from South Carolina, (Mr. TAYLOR,) that, if we do admit them to take possession of our waters, they will take advantage of the privilege to our injury in negotiation, it has no force with me, for this plain reason; that, although the exclusion of them from our waters was not carried into execution by physical force, yet they did not enter our waters, which they might have done, in defiance of the proclamation. And why did they not? Because, I presume, they had no desire to rouse the indignation of this nation by an open violation of the laws of the land.

If, sir, you wish to gain the advantage of union at home, take away every pretext for the violation of your rights. Let me ask if it be not better to admit them? By so doing you give up a principle which does not benefit you, and receive an accession of physical strength by union at home. I do not say that every one will be satisfied, because I have no doubt England has agents in the country, but so few in number as to be unworthy of notice. If Great Britain, on the other hand, attacks us when we have taken away every possible ground of collision and violates her promise, the people in every part of the country will be satisfied that her deliberate object is to destroy our commerce. We should have no more of those party divisions which have distracted us for some months past.

It cannot be said that we are bound by any part of the negotiation to admit English vessels. I have seen nothing of the kind, if it exist; and I call upon gentlemen to point it out. Why do it, then? It may be considered a concession; and certainly manifests that disposition which we feel to settle all the points of difference in agitation betwixt us. And here I beg leave to say that, according to the most explicit declarations of the British Minister, you would not give the smallest umbrage by pursuing that course. On this subject Mr. B. quoted a speech of Mr. Stevens in the British Parliament. If we were to be governed by reference to expressions which existed in that country of our partiality to France, it did appear to him that this speech was entitled to weight, because it justified the course proposed by the bill, and stated

a position which the British Government admitted was all that could be required from a neutral State. From this speech it appeared that placing the two belligerents on an equal footing was all that was required. Did not this bill completely come up to their wishes? Did it not interdict all trade with France under the most severe and heavy penalties? Mr. B. said he did not wish it to be understood that he would shape his conduct by the wishes of the British Ministry; but, as it had been said that the bill was somewhat hostile to that country, he had quoted the speech of a ministerial member to show that no such inference could be drawn. The same person, in his speech, also states, said Mr. B., that the reason why our offer in August last was not accepted, was, that, if it had been accepted, such was the situation of the law, that a commerce might always be carried on with the enemy; that, through the ports in Europe, her enemy might be as efficiently supplied as if the embargo did not exist in relation to him. But, sir, what is now the state of things? If it is possible to operate on France by commercial restrictions, let me ask if this bill will not accomplish that object? Let me ask if an American vessel under it can go to any port of France? It not only cuts off direct intercourse, but prohibits the importation of the products of France; and any attempt to carry on a circuitous commerce must be ineffectual, inasmuch as the produce will be liable to seizure when it comes into the ports of the United States.

If, according to the ideas of the British Government itself, this state of things be a sufficient resistance to France, let me ask of gentlemen how they can infer a partiality to France? What more can you do? If you exclude the armed vessels of France, though it may display a disposition to injure her, I defy any gentleman to show that it can, in the smallest degree, coerce or affect her. Let me call the attention of gentlemen to the present situation of Europe. If accounts lately received are to be credited, we may calculate on the universal control of the French Emperor over the ports of Europe. Is it to our advantage to be excluded from the trade of the continent? Is it not known that all the surplus product of the agriculture of this country finds its vent on the Continent of Europe? Is it not known that, of the whole of our tobacco, seven out of eight parts are consumed on the continent? That of our cotton, at least one-half finds its market there? Does not flour find a great proportion of its consumption on the continent? This cannot be denied. Then, let me ask of gentlemen, whether it be so much to our advantage to exclude this trade; and, if not, why we should take a step which can do France no injury, but which may, and probably would, be made a pretext for cutting off so valuable a part of our trade? With respect to partiality to France, let me call upon the gentleman from Virginia, or any other, to show if, from the conduct of the United States,

and such thing can be inferred. Look at our relative situation. Have we opened our ports to her traders? Have we renewed commercial intercourse with her? Let me ask, which have we placed in the best situation, France or England? Every gentleman must answer—England. Whilst she gets all our commerce, her enemy is wholly excluded from any participation in it.

Another argument has been used against discrimination, viz: that France has no public armed ships. If this is the case, gentlemen need not be alarmed; for, if they cannot come here, we need not be afraid of their resentment, because we will not admit them. But we know that her cruisers can steal out of their ports, go into foreign seas, and destroy our trade in spite of the ships of Great Britain. If an American vessel has British property on board, or has been spoken by a British cruiser, a French public armed vessel is bound to make prize of her. This being the case, let us for a moment consider the subject as respects ourselves. Our feelings ought to be for ourselves and our country. Here is a nation having public ships, having a right to come into your ports. Does it comport with our honor and dignity to admit into our ports and harbors the very vessels destroying our commerce? Not to go into an inquiry what has been the fact heretofore, but what may be now—if you pass a law that a French frigate may come into your waters and partake of your hospitalities, where is the obligation that it may not take advantage of the opportunity to make its prey more sure by watching it in port and then going out and entrapping it? If, from the intoxication of the man who rules the destinies of the nations of Europe, he does not feel disposed to treat with us on terms of reciprocity, that circumstance should have no effect on our measures. But the question on that point is no doubt already settled; time sufficient has been allowed for the vessel to go and receive an answer to the instruction sent to our Minister. I certainly would so far respect myself as to fulfil what I conceive to be good faith toward both, without respect to the wish or dictation of either.

As to the amount of produce sent to the continent, it cannot be great. Some few may have adventured there on desperate voyages; but that there is much property in jeopardy, I cannot believe, for France is known to be, in respect to mercantile property, the lion's den, easy of access, but impossible to return. Those, therefore, who have risked their property must have been extremely rash.

If the French Government would do us justice, I should be glad; if not, we must abide by the consequences. We must not do improper things because they will not do us justice. It is proper that we should assert what we conceive to be our rights. I believe, however, that the question of peace with France will not turn on this bill. I believe the point to be already settled. If it be not, and the exclusion of French armed vessels would be an impediment



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ment to it, the same objection would be valid against the whole bill.

Mr. HOLLAND asked the indulgence of the House whilst he stated a few reasons why he should vote for the amendment under consideration. It had been asked whether it was consistent with the honor of this nation to admit French ships within our waters. Mr. H. said he would answer, that, as things now stood, he did not consider it consistent with our honor and dignity so to do; and the reason why was, that that Government had done sundry injurious acts towards this nation for which it had not made reparation, nor even intimated an intention of doing so. He therefore answered that it was inconsistent to admit the vessels of France within our waters. It was in consequence of injuries which they had done, according to my conception, that I voted for their exclusion. I was not influenced to vote for the prohibition of the ships of France from coming into our waters by any desire to produce an equality in our relations with the belligerents. It was no impression of that kind that influenced my vote; and yet I voted that French ships of war should not come into our waters. It was not the opinions of editors of newspapers, or the clamors of individuals, that influenced my vote, and I hope they never will. I think that every gentleman, on taking his seat in this House, should consider himself beyond suspicion. The only question for consideration of the members of this House, when a measure is presented to them, is the expediency of it; and on that ground alone I voted for the exclusion of French ships or of British ships. I was chiefly influenced to vote for the exclusion of British armed ships by the variety of acts committed in our waters, and the great disposition which she had shown to commit the most wanton acts of treachery. I can say for myself that my conduct was only partially influenced by the acts of British officers within our waters; I had in view a variety of other acts committed against the rights of the people of this country. Supposing the affair of the Chesapeake to have been authorized, I never wish to see the British ships of war within our waters, till they recede from the right of impressment. I wish the British Government to know that it was the determination of the major part of the citizens of the United States to resist her till she surrendered that right. I think it was a sacrifice of the dignity of the United States to receive British vessels so long as they committed those acts. It was therefore that I voted to exclude them.

It is said, by the gentleman last up, that we are at peace with Great Britain. Does it follow, from that, that they are entitled to all the rights of hospitality that one nation could possibly show to another? Certainly not. We ought yet to hold up some indication that we are not perfectly reconciled to them. When they abandon the outrageous principles which govern that nation with respect to neutrals; when they

abandon the practice of impressment; when they make restitution for spoiliations of our trade; we will hold the hand of fellowship to them. It is not enough for me to hear the British Minister say that an Envoy Extraordinary is to come out and settle all differences. I have heard something like this long ago. I heard that a Minister was to be sent out to make reparation for the affair of the Chesapeake. We have experience on this subject. Have we forgot that every thing which accompanied that mission was evidence that the British Government was not sincere, and that it did not intend to accommodate? When I see an abandonment by Great Britain of the principles destructive to neutrality, I can consent to admit that nation to the rights of hospitality.

Mr. JOHNSON observed, that, to say any thing on this subject, after the time which had been already consumed, and the speeches which had been made, was contrary to a rule which he had laid down for his own conduct. But his excuse would be found in the introduction into the House of a proposition, which, it was said, proposed to place us on a neutral ground. Nothing, said Mr. J., is dearer to me than neutrality as to our foreign relations; but, the bill submitted to the House by the committee of which I had the honor to constitute one, and which is the same with that now before us, so far from being in hostility to Great Britain, and partiality to France, I contend, is a concession to Great Britain, at the same time that I admit that it is not hostility to France. The admission of the belligerent vessels into our waters, so far from being hostility to Great Britain, is concession. I bottom the remark upon the fact, that, at this moment, as many and as heavy causes of complaint exist unsettled between this Government and Great Britain, as between this Government and that of France. If then, the same causes exist to exclude from our waters the vessels of both, I ask whether the admission of both will not be an actual benefit and concession to Great Britain, and a nominal benefit to France? And, still, it is to go forth to the nation that we are about to commit an act which will sink the nation, from the elevated situation in which it is now placed by our former measures! I hope that we shall continue to convince the world that the United States of America are incapable of other than neutral conduct. Is it a fact, that greater injuries exist from France than from Great Britain? What injuries have been received from France? Have they been committed within our waters? Has our hospitality been violated and our officers insulted in our very ports by the vessels of France? or is her hostility merely commercial? It is of the latter description. Is it not admitted that we may lawfully exclude or admit the vessels of both belligerents? If you admit the vessels of one nation with whom you have cause of difference, and exclude those of another nation with whom you have only the same cause of difference, I

ask whether you do not commit the dignity of the nation, and jeopardize its peace?

I will put this question to gentlemen: what has Britain done which would require a discrimination as to her public vessels? She has rescinded her Orders in Council. And what have we done in return? Have we done nothing? Has Great Britain held out the hand of friendship, and have we refused to meet her? Has she withdrawn her Orders in Council, and have we insisted on a continuance of our commercial restrictions? I have understood that she has done nothing but rescinded her Orders in Council, and we have renewed intercourse with her therefore. I am more astonished at the proposal to discriminate, when we see that, at this moment, orders are in existence blockading countries to which your merchants have, long ago, taken out clearances, in violation of stipulations which Britain had proposed to us. When she has violated our rights, I am more astonished that gentlemen should wish to go beyond this letter of the law. And, let the consequence be what it may, it would result to the benefit of this nation that we should not be influenced by idle fears of imaginary dangers. My better judgment tells me we should exclude the armed vessels of both nations; but the general sentiment appears to be against it. It is asked of us, why admit the vessels of France, whilst injuries which she has done us are unatoned for? And, I ask, sir, why, then, admit the vessels of England standing in the same relation to us? I only make these remarks as going to show that we ought to be strictly neutral. If, sir, you wish to take part in the broils of Europe, embody your men, and send them over to the disposal of England at once, and let her send them to Spain or Austria. But, if you would remain neutral, either admit or exclude the armed vessels, as you would armies, of both belligerents.

I had thought, sir, not only from the acts of our Government, but from conversing with gentlemen, that we hailed the present as an auspicious moment, as a political jubilee; I had thought that we had been on the verge of war with the two most powerful nations of the earth, but that our situation was changed, and that, at the same moment we now offer the only asylum to the victims of European wars. And are you now about again to jeopardize the peace of this nation, without any cause whatever?

The exclusion of French and British armed vessels at the last session, may be taken on this ground. It was a defensive war, not only for the injuries we had received, but in expectation of actual hostility. Has it occurred? No, sir. Would you have excluded British vessels since 1798, for taking the vessels engaged in your lawful trade, and for impressing your seamen? You did not do it; and it was not for that alone that you did it at the last session, but for other causes, which have nearly or quite disappeared.

I have done, sir. I shall not vote for any proposition which makes a difference between France and Great Britain; not that I am afraid of the conscripts of Napoleon, or the navy of George III. But I cannot consent to adopt a course which will again obscure with clouds our political horizon.

Mr. SMILIE said, that if he now took up five minutes of the time of the House, he could not excuse it to himself; and he should not have risen, but to explain the reasons for the course which he should take. As to the amendment, to that he could never agree. The question which the Legislature often had to decide, was not what was best, but what is practicable. Now, he thought it a happy circumstance that parties in the other House had united on this subject. However we may differ as to local affairs, said he, I think it good policy, if it can be done without a sacrifice of principle, to meet in concert on measures of external relations. What may be the effect, if you introduce either of these two principles into this bill? We know that, if this bill does not go to the Senate till to-morrow, if amended, a single member of the Senate can, according to their rules, prevent the bill from passing altogether. My opinion is, that it is our duty to pass the bill in its present form. If any material alteration be made in the bill, I believe it will not pass. If it does not, all that has taken place between this country and Great Britain is at an end. And I hope that this reason will induce gentlemen to permit the question to be taken.

Mr. J. G. JACKSON said he had intended, before the day had so far progressed, to have explained to the House the motives by which he was actuated in relation to the bill. He said he would still take the liberty of stating to the few members present, (the House being very thin,) why he offered the amendment to the amendment. It will be recollected, said Mr. J., that the other day I stated that a construction had been given to the law contemplated to be re-enacted by the bill on the table, which, notwithstanding the renewal of intercourse, excluded armed vessels from our waters; and, for the purpose of doing away completely that construction, I moved an amendment which, gentlemen conceiving it unnecessary, I withdrew. If gentlemen are correct in the opinion which they advanced, and which induced me to withdraw that motion, they cannot, consistently, vote for the amendment of my colleague providing an exception to a provision which the bill does not contain. Where is the necessity of a proviso if the law does not bear such a construction? Is the Executive to infer from the proviso that something exists in the law which the friends of the proviso declare does not exist? The amendment proposed by my colleague provides for the admission of the armed vessels of those nations with whom commercial intercourse *shall* have been (not *has been*) permitted. Are you, by this phraseology, about to devolve upon the President a discretionary

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power, holding the scale of national honor in one hand, and the injury and atonement in the other, to decide which nation shall be thus favored, when it is conceded on all hands that the admission of the armed vessels of one nation and the exclusion of those of the other, is an *act ipso facto* of hostility?

Gentlemen have observed that there ought to be an exclusion of French and admission of English armed ships, and that any other course would be an acquiescence in the views of "*sister France*," and hostility to England. This language, sir, does not help the cause which the gentleman advocates. What must be the effect of such insinuations? They must excite feelings which, I am happy to say, have not been displayed on this floor during the session. Might it not be retorted, as a natural consequence, that gentlemen who wish to admit British and exclude French ships, and thus serve the interest of England, are desirous of subserving the views of *mother Britain*? The attachment to *sister France* on the one hand, is about as great as the attachment to *mother Britain* on the other. I believe it has been emphatically declared to the nation that we would not go to war for existing differences. If, however, gentlemen, since the last session, have so materially altered their ideas of the policy proper in relation to one belligerent, let us go to war openly; I am not for using the stiletto, or for stabbing in the dark.

The interdict of British armed vessels from entering our ports was not on account of the affair of the Chesapeake only. It is unnecessary now to repeat the cause which led to it. If gentlemen will turn to the letter of Mr. Madison to Mr. Rose, they will find the causes detailed. Since that time other injuries have been committed; and it has been justly observed that the burning the *Impetueux* was an insult to the sovereignty of this nation scarcely less than the affair of the Chesapeake. If we permit hostility from one belligerent to another within our territory, we become party to the war, as we do, by admitting the enemy even to pass through our territory to attack another nation. It is in vain to say that a nation preserves a neutral attitude, when it permits one of the belligerents repeatedly to violate its sovereignty. If there be as much injury unatoned on the part of Britain as on the part of France, then a discrimination will be a departure from the ground which we took last session, that both should be excluded. And the President had no power over that part of the law. Inasmuch as we know that Great Britain has the command of the ocean, and that a French ship of war cannot, without a miracle, escape across the Atlantic, we, in fact, by the operation of the bill as it came from the Senate, admit English and exclude French ships.

We throw open our ports and admit the thousand ships of Britain, without opening our eyes to the consequences which have heretofore resulted from so doing. And shall we now re-

fuse admission to the vessels of France? It is indeed difficult to say what led to their exclusion; for it has been with truth observed that the non-intercourse bill had not an advocate in the House. It was something like throwing all our discordant opinions into one crucible, and after fusion, extracting what was expected to be gold, but which all called dross. When gentlemen speak of their zeal to maintain the ground taken last winter, I beg of them to recollect their own speeches, from which it will be found that the bill was so obnoxious to them that they would not even extend its operation to the next winter, and that it was with difficulty that it was extended to the end of the present session.

Gentlemen ask, has there not been a satisfactory adjustment of our differences with Great Britain? I deny it. What is the expression of the British Envoy on which gentlemen rely, and on which they are about to sit down quietly under the vine and fig tree? "In the mean time, with a view to contribute to the attainment of so desirable an object, His Majesty would be willing to withdraw his orders," &c. In the mean time, still persisting in the principle of taxing our exports, a right denied even to us by the constitution. It is to be hung up *in terrorem*, to be let loose upon us hereafter, if we shall not do every thing which is required of us. There is a marked cautious style of language in this letter, which shows that Great Britain in fact has promised nothing. She does not say that she will repeal or revoke her orders, but that in the mean time she will withdraw them; and, sir, in the mean time she has withdrawn them, and substituted other orders or proclamations equally obnoxious. This is reason sufficient for not going beyond the letter of the agreement; which however I will consent to do, by admitting instead of excluding British armed vessels.

When Mr. J. G. JACKSON concluded, Mr. SHEFFER, in order to obtain a direct question on his own amendment, adopted Mr. JACKSON's rider to it, as a part of his own motion, and called for a division of the question, taking it first on his own amendment as first moved.

Some doubt arising whether it was correct thus to act, according to the rules of the House, Mr. MAOON produced a precedent in which he had himself done the same in the case of a motion for the repeal of the second section of the sedition act, nine or ten years ago.

Mr. TAYLOR said that, as the House had decided that they would not discriminate between the admission of British and French public vessels, he wished to try the question on the exclusion of both. He made a motion having in view that object; which was decided without debate, fifteen for it, one hundred against it, being a majority of eighty-five against the exclusion, at this time, of the public vessels of both belligerents.

Mr. MONTGOMERY observed that the decision of the courts of the United States had been

that, after a law had expired, they had dismissed all suits pending for the recovery of penalties incurred under the act. He conceived that this bill should have a saving clause, that penalties and forfeitures incurred under it, should be recoverable and distributable after the act itself had expired. He therefore moved an amendment to that effect.

TUESDAY, June 27.

*Non-Intercourse.*

The bill to revive and amend certain parts of the act "interdicting commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," was read the third time.

Mr. PICKMAN hoped that he should be excused for making a few observations at this stage of the bill, not having before partaken of the debate. He said he felt a strong objection to the bill, because it admitted French vessels into our ports and harbors. Gentlemen had asked why a discrimination should be made. He answered, that the reasons for this conduct were to his mind very plain. He had considered the outrage on the Chesapeake as a gross violation of our rights and of the law of nations, and he believed no one had felt more indignation at it than he did. But that was now atoned for. I consider (said Mr. P.) that the Orders in Council are repealed; that Great Britain has stipulated to send on an envoy with instructions to negotiate for a settlement of all differences. I consider these things as done, because I consider the faith of the British nation as solemnly pledged to do them; for, if it had not been, the United States would not have been justified in taking the attitude which we have taken.

It has been said, that since the arrangement here has taken place, Great Britain has modified her Orders in Council in a most exceptionable manner. I admit that this modification was posterior in point of date to the arrangement here; that is to say, that the proclamation of the President of the United States was issued on the 19th, and that the orders were modified on the 29th of April; yet, in strict propriety, the new orders may be said to have issued before the arrangement, because it was before it was known. Viewing the subject in this light, I do not believe that the modification of the Orders in Council did proceed from the arrangement here; and I now declare that if such modification as has been made is to be considered as rescinding the orders, according to the stipulation made with Mr. Erskine, I should consider it a mere mockery. I do, however, consider it in a very different light, and have no doubt that the Government of Great Britain will adopt such modification of their orders as they have stipulated to do. These are my ideas, and on this ground I did and do still believe that we ought to have made a dis-

crimination, because I consider one nation to have complied with the conditions of the non-intercourse act, whilst the other has not varied its position.

Mr. MACON said he was against admitting the armed vessels of either belligerents into our waters. He would place our foreign relations precisely in the state in which the President had left them, saying neither yea or nay on the subject of their armed vessels, leaving it where it had been left by both the parties to the late arrangement. He should have been glad that the same disposition had been manifested towards us by France as by Great Britain; but because there had not he would do nothing towards her to prevent it. Some gentlemen had conceived that an indiscriminate admission would be more advantageous to France than to Great Britain. Mr. M. said he did not agree with gentlemen in this; for Great Britain had Canada and her West India Islands, to which she was in the habit of sending out vessels; whilst France, having no possessions on the American coast, had no occasion for our hospitality.

Mr. M. said he sincerely hoped that we should now act, as we had heretofore done, so as to give to neither of the belligerents cause to charge us with partiality. He was decidedly of opinion that we ought to leave both nations in the same state as they were left by the President's proclamation. He had no doubt that Great Britain would send a Minister to negotiate. But what was left, as to her, for the surrender or repeal of which she had any anxiety? Nothing. As to France, she would have no shipping at sea, so long as the war lasted in Europe, unless an event took place which he hoped would not. You give France a right to enter your waters, said he, and take away any inducement she might have had to rescind her decrees. I believe the passage of the bill will extend the difficulties of the nation. I know it is not a very pleasant thing to be opposed to the evident sentiment of a majority of the House; but it is the bounden duty of those who think as I do to vote, as I shall, against the bill.

Mr. TAYLOR said it appeared to be desired on all hands that nothing should be done by the House to embarrass the negotiation; and he presumed that the majority, in the different stages of this bill, had been actuated by that wish. If, said Mr. T., I could see the present measure in the light in which its friends appear to view it, I certainly should be in favor of it. But, when it is recollected that your legislative acts have been held out to your fellow-citizens and to foreign nations, promising a perseverance in our restrictive measures against such nation as shall continue to oppress our commerce by her unlawful edicts; I consider our faith as pledged to the nation, that, according to the recession of one belligerent, or perseverance of the other, we were to shape our course.

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Non-Intercourse.

[H. OF R.]

The gentleman from Virginia aimed a side blow at those who, in the discussion of this subject, had spoken of the ground which we have taken. On the effects supposed to be produced by the non-intercourse, I had a right to say *we*. The sense of the House was taken distinctly as to a repeal of the embargo, on the first report of the Committee of Foreign Relations. It was then that the principle was decided, and it was that act which was taken hold of across the Atlantic, and made the ground of the instructions which came out by Mr. Oakley to the British Envoy here, and on which the arrangement did take place. Now, though the gentleman seems unwilling that any part of the House should say *we*, I vindicate the claim which I have to use it. In fact, I would claim for the mover of the original proposition to this House for the interdiction of armed vessels, the gentleman from North Carolina, (Mr. MACON), the merit of the late negotiation, if it attach anywhere. But I am not willing to carry on the copartnership. I will not now say *we*. I, who voted for the motion going to give power to the President of the United States to issue letters of marque and reprisal against that nation which persevered in its edicts after the other had withdrawn them, am not willing, on the passage of this bill, to say *we*, as by it you admit instead of continuing the exclusion against armed vessels, where, instead of a recession, injuries have rather been added. When gentlemen are asked why they have admitted French vessels, in our present situation in relation to France, after the temper displayed and the votes given at the last session on the subject, theirs must be a feeling in which I would not participate, and therefore I will not say "*we*."

Mr. DANA observed that, by the Journals of the Senate, it appeared that this bill had been unanimously passed by that body. This unanimous vote of the Senate might be regarded as a consideration to operate very strongly on the minds of members of the House, as respected the propriety of adopting the present bill; it certainly must have weight in favor of a measure, when it was found that men differing widely in political opinions joined in voting for it. I, said Mr. D., have myself very strongly felt the force of this consideration. But you know, sir, that the rules of proceeding and order established in this House do not admit of our urging in debate the conduct of the Senate of the United States as a motive for deciding the opinion of this House. Why is it out of order? Because the excellence of our constitution is, that the Legislature shall consist of two Houses, each of which shall act on its own ideas of propriety. If it is not proper to mention the conduct of the Senate in debate, it is not proper to suffer it to overthrow our opinions. In this view I feel myself bound, with all due deference to the Senate, to examine this subject for myself. I cannot but feel the weight of that vote; but I cannot forget that the bill respect-

ing the writ of habeas corpus was once passed in that House, and rejected unanimously in this, without being permitted to be read a second time.

On examining this bill, sir, I do not find that its various provisions appear to constitute one whole, to conform with any system of policy, or to be consistent with the principles of any man in this country. It is certainly not the course which I would have chosen; it is not consistent with the course marked out at the last session of Congress. I was certainly not in favor of the embargo; I disapproved of that system; and when I saw the non-intercourse system, I considered that as retaining the embargo principle, but not with so much precision. I consider this bill to be receding from a weak position. If the embargo was a decisive measure, it ought to have been taken more completely at the outset than it was. But it failed. The non-intercourse was abandoning one part and retaining another of the system. This bill was abandoning a part of the non-intercourse system and retaining a part. When I look at it, I see nothing in it at which any portion of American citizens can rejoice or be proud of; nothing of a firm, dignified, matured, sound, consistent policy, to be maintained on general principles against all the world. Am I then required to vote for a measure of this kind? If, with my friend from Massachusetts (Mr. QUINCY) I could suppose that voting for a system which I did not like would destroy it, I should vote for it. For, if I understand him, he dislikes the whole, and therefore will vote for this part of it. The whole would die at the end of this session; but to show his anxiety for its death he must keep it alive till the next session of Congress. I was very much pleased with a great part of his remarks; I approbated his premises, but his conclusions appeared to be directly the reverse of the proper result. But as he is a gentleman of strong powers of mind, he may well be able to draw a conclusion which I cannot.

Gentlemen have alluded to the declarations of the Emperor of France in relation to his decrees. When Bonaparte talks of the freedom of the seas, does he mean the same idea which we attach to these words when we use them? When he talks of the principles of maritime law, does he mean the same as we? On the subject of maritime law, has he not stated things which before were unheard of? Certainly, sir. On the contrary, I have always understood the claims of the United States as a neutral nation to be, not to assert new pretensions, but to assert such claims as they may think reasonable with respect to principle, and such as have been formerly admitted in practice.

With respect to the bill before you, there has been one argument used, and an imposing one certainly, provided that it appeared completely founded in fact. It is said this bill is considered as comporting with the views of the Executive

Government of the country; and that the Executive has acted so well in conducting the preliminary arrangement for removing certain obstacles to negotiation, that on the whole we ought to assist his administration. On this subject, sir, I have to observe that we are utterly without official evidence on this point. We have no evidence whatever, of an official nature, that this bill comports with the Executive views. If we have, it is to me unknown. We have not, during the present session, had any report in detail from the Committee of Foreign Relations. If that committee had made a report, stating facts and reasoning as the basis of the bill, I might consider that committee as having consulted the Executive of the country, and as having adopted its disposition as the basis of its proceedings. But, as we have no such thing, are we to suppose that there are certain gentlemen in the House who are organs of communication of the Executive wishes? Have we any other evidence of the disposition of the Executive in relation to this bill than that certain gentlemen are in favor of it? If, on this subject, the opinion of the Executive should properly decide our judgment, ought we not to have had some official exposition of the views of the Government? As we have no such information, we are to examine whether this bill comports with the arrangement made with Great Britain. But, as to that, I beg leave to be deemed as not considering myself pledged by that arrangement merely. As to myself, as an American, I am by no means gratified that we should contend with one nation because another does us justice. A stipulation of that kind I should consider as degrading to my country.

In my remarks therefore, I disclaim owing any thing for any boon which Great Britain may have given us, because I do not consider it as a boon that they have ceased to injure us. But in the face of the world such declarations have been formally made by the Congress of the United States. The fact is known to ourselves, to our countrymen, to such portions of the foreign world as may take an interest in our concerns. And in comparing this bill with those declarations, will it be possible to conceive that we are consistent? When you had differences with both the belligerents, what was your language? You talked as though you would throw the gauntlet to the globe, as though you would stretch out your arm and smite the world. When an adjustment is made with one of those powers, what is your language? Really, sir, the difficulty under which the Government formerly labored was said to be this: that if we went to war with both nations.—[Mr. D. quoted a part of the report of the Committee of Foreign Relations of last session on this subject.] I consider this part of the report, said he, as proceeding upon assumptions which are erroneous, and founded upon grounds untenable and inaccurate. But as to this report, which appeared to receive the approbation of a majority of the members of the House, it seems to be clear from it, that were

it not that you were so equally wronged by both belligerents, and that both persisted, you certainly would have engaged in war with one; but that, as a treble war was rather a difficult plan, it was best to continue the restrictive system.

What is the declaration made to the British Minister at this place, by our Secretary of State, on this subject? Is it pretended to enter into any stipulations with Great Britain as to our conduct? No, sir; it is that our measures are adopted on the principle that the Government would assert the rights of our country against any power on the globe, without any reference to pledges. On this point I would call the attention of the House to a sentence which is the most extraordinary surely that ever was put together. And, unless it be a dash of the pen, like that of the brush of the painter who painted at one dash a perfect horse, it must have been the elaborate labor of twenty-four hours; in either case not detracting from the skill of the author of it. The sentence is as follows: "As it appears at the same time, that, in making this offer, His Britannic Majesty derives a motive from the equality, now existing, in the relations of the United States, with the two belligerent powers, the President owes it to the occasion, and to himself, to let it be understood, that this equality is a result, incident to a state of things, growing out of distinct considerations." If any mortal, from the depth of his knowledge, can specifically tell what this means, he may pass for an oracle. It proceeds upon this idea: that in making our arrangements at the last session we did not mean, as respects saying that whatever nation insulted us we would resent it, to please Great Britain alone, but equally to please any other nation whatever. If the saying this was an annunciation by our Government to the British Government, that in making this arrangement we are not making any stipulation in respect to France, but you and the world may know that whoever invades our rights shall meet with resistance, adequate to the crisis, if the Government can find means to accomplish it. If the paragraph be thus considered, we may respect the declaration itself, and admire the skill with which it is so worded as to convey nothing offensive in the expression. In this view, I am willing to admit it, because it conduces to the reputation of the Government and of the Secretary of State, who in this business appears to have conducted with the frankness of a man of talents, and the manner of a practical man of sense. I consider this bill as not corresponding with the resolutions of last session, as not corresponding with the general sentiment in regard to the non-intercourse law when it passed; nor with the general sentiment fairly to be collected from the correspondence of our officers with the British Minister.

If it be asked, what other system would be proper, I acknowledge it to be a question of difficulty. But, for myself, I think I would say that I would prefer an armed neutrality; not

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*Emigrants from Cuba.*

[H. OF R.]

such a one as distinguished the confederacy in the Baltic, not one to assert new pretensions; but one temperate in its claims, specific in its object. And I could really wish that in the present state of the world we should turn our attention to a system of policy which shall be founded on general principles, and at least say what are the rights which as neutrals we claim, and what the pretensions to which as neutrals we will submit; and if our legislation were of that character, we never should be embarrassed as we are. We pass a law that if edicts of the belligerents be revoked or modified, trade shall be renewed. Now, the edicts then in existence might be revoked, and others substituted, and the law would be complied with. The whole system has been constituted too much in reference to particular cases.

But I have one further objection to this bill, viz: that by it you do permit trade with French trading vessels, thus. There is no prohibition to the furnishing supplies to French vessels. The French vessels, going to sea, go armed and under the authority of their Government; and coming into the ports of this country may be supplied with any thing they wish without an infraction of the letter of the law. Let any public armed vessel come into the waters of the United States, and they may purchase whatever they please. There is no law to prohibit it, nor any authority placed in the Government of the United States to prevent them from purchasing. The state of the case now is, that your vessels shall not be cleared out to carry any thing to France, but your boats and every thing that sails may be employed to carry provisions to French armed ships in your harbors, and they may be completely loaded. If this be the intention of gentlemen, I have nothing further to say; if it be not their intention, they will have in this case, as they have had in others, a very great experience of the disadvantages of undertaking to chop up law.

From these general views of the subject, sir, I am opposed to the passage of the law.

Messrs. PITKIN and QUINCY stated their reasons for voting against the bill.

And on the question, "Shall the bill pass?" it was decided in the affirmative—yeas 72, nays 15, as follows:

YEAS.—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, Joseph Calhoun, John Campbell, Howell Cobb, James Cochran, Orchard Cook, James Cox, Richard Cutts, John Dawson, Joseph Desha, James Emott, J. W. Eppe, William Findlay, Jonathan Fisk, Gideon Gardner, Thomas Gholson, jr., Peterson Goodwyn, Thomas E. Gold, Daniel Heister, William Helms, Jacob Hufty, Robert Jenkins, Richard M. Johnson, William Kennedy, Herman Knickerbacker, Robert Le Roy Livingston, John Love, Matthew Lyon, Aaron Lyle, Robert Marion, Vincent Matthews, Samuel McKee, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Newton, Joseph Pearson, John Porter, Peter B. Porter, Josiah Quincy, John

Rea, of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Daniel Sheffey, John Smilie, George Smith, Samuel Smith, Henry Southard, John Stanley, James Stephenson, Jacob Swoope, John Thompson, Uri Tracy, Nicholas Van Dyke, Archibald Van Horne, Robert Weakley, Laban Wheaton, Robert Whitehill, Ezekiel Whitman, Robert Witherspoon, and Richard Wynn.

NAYS.—Daniel Blaisdell, John C. Chamberlain, S. W. Dana, John Davenport, jr., William Ely, William Hale, Nathaniel A. Haven, James Holland, Jonathan H. Hubbard, Edward St. Lee Livermore, Nathaniel Macon, Timothy Pitkin, jr., John Ross, Richard Stanford, and John Taylor.

Absent, 54 members.

WEDNESDAY, June 28.

*Emigrants from Cuba.*

On motion of Mr. MARION, the House resolved itself into a Committee of the Whole on the bill for the remission of certain fines and penalties.

[This bill provides for the remission of penalties incurred by the captains and owners of vessels which have been compelled to take on board emigrants from Cuba, with their slaves, the landing of the latter in the United States having, under present laws, forfeited the vessels and cargoes and fined the persons concerned.]

Mr. MARION observed that he had, a day or two ago, presented petitions from persons bringing in slaves, amongst which were some documents, one of which was the opinion of the district court of South Carolina, by which it appeared that, if the bill passed in the present shape, no relief would be afforded by it; for, it had not appeared on the trial that the *slaves* were forcibly expelled from the island, though the *owners* were. He therefore moved an amendment to include slaves owned by persons who were expelled the island.—Motion agreed to without opposition.

Mr. M. then moved to add a proviso: "*And provided, also, that such slaves shall have been brought in at the same time as their owners, respectively.*"—Agreed to.

Mr. Ross observed that a former act on the subject of the importation of slaves said, that it should not be lawful to bring into the United States any negro, mulatto, or person of color, with intention to sell the same or hold them as slaves. The present case appeared to him to be one in direct violation of that law. Under the act of 1807, it had become the duty of the court to examine whether it was the intention of the parties to infringe or violate the laws. After a fair examination by a court, under a desire to relieve those interested, and a failure of every attempt to show that they were compelled to take on board these slaves, was the House about to sit in judgment and reverse the decision? Mr. R. said that provision was also made in the bill as to slaves that may hereafter arrive in the

United States, giving a power to the President of the United States, at his discretion, to set aside the law. What reason could there be for enacting this law, if the principles of the law of 1807 were correct? If it was intended, by a side blow, to repeal that law, he had rather see it done at once; and not, whilst in appearance we had such a law, to give the President a dispensing power over it. It was said that the persons concerned in bringing them in were distressed. How distressed? Only because they could not prove they were compelled to bring them into the country. Mr. R. said he did not wish to irritate the feelings of gentlemen from any portion of the Union, but he was sorry to see a bill introduced to unsettle what he conceived to be a valuable provision, enacted some sessions ago.

Mr. NEWTON said he felt as much repugnance as the gentleman from Pennsylvania to touch that law; but, if the gentleman would consider that this was a case of a peculiar nature, attended with singular circumstances, he would withdraw his objection. And he verily believed, that had the Legislature foreseen what had taken place, they would certainly have inserted a provision to meet the case which had occurred. Let it be recollected, said he, that the unfortunate Frenchmen driven on our coast, were some time ago driven from St. Domingo, and were obliged to take shelter at Cuba. Since the commencement of the war in Spain, Cuba has almost witnessed the same scenes as St. Domingo. These people were forced to leave the island in distress, and take what portion of property they could collect. They could not go to France, because no vessels of that country were permitted to touch at the island of Cuba, neither could they go to the French islands in the West Indies. There was no country open to them but America. The American captains, then, were forced to take the French on board, and with them, a few body servants; and, under the former law, these vessels are seized, and liable to forfeiture, our merchants to suffer the loss of vessel and cargo, and the poor emigrants to lose all their little property. Let it be recollected that the law of 1807 does not interfere with the State rights on the subject. This bill only goes so far as to remit all fines and penalties incurred by the captains of vessels, and release the property which would otherwise be condemned, and relieve the perfectly innocent merchants who would otherwise suffer. Let us say to these unfortunates, as Dido to Æneas, when he was exiled from Troy: "I have suffered misfortune myself, and therefore know how to extend the hand of relief to others."

Mr. MARION said that if the gentleman from Pennsylvania (Mr. Ross) thought that he had a wish or intention to increase the number of slaves, he was much mistaken. The laws of South Carolina prohibited the bringing these slaves, or any other, into the State; yet they had been brought there, and the persons bring-

ing them there must give security that they would have them carried out of the State. Now, by the non-intercourse law, the State was prevented from sending them away; they would, of course, remain here till the law permitted them to be sent off, for they could go nowhere but to France and her dependencies, France being at war with all the rest of the world. Mr. M. said that there were several captains now in jail under sentence of court for having brought those people into the country; he submitted to the House whether, under the circumstances of the case, the captains had not good reason to suppose that they would not be subject to the penalty of the law. The law prohibiting the importation of slaves was of a highly penal nature, and different from all other laws of that nature, having no clause in it giving a power of remission of penalties; and this bill was guarded in such a manner that no evil could arise.

Mr. MACON said it was certainly true that the Southern country wanted no more slaves. The sole object of the bill was to get them away. However desirous the people might be to hold that property, there could be no fear of their wanting them from the West Indies.

Mr. MONTGOMERY said it was peculiarly necessary to pass this bill to get rid of the immense number of slaves brought into New Orleans; for every one must know that they were not wanted there. They were too numerous to continue there, and this bill was intended to make provision for their exportation.

Mr. NEWTON produced a letter from the collector of New Orleans on this subject.

Mr. TAYLOR said it never could have been the intention or spirit of the law of 1807 to increase our population in free blacks. It was not to set free the people of this description that the law had been passed, but to prevent them from being brought here at all. For even in Pennsylvania he had no doubt the gentleman would be content to have no further population of this sort. Mr. T. said that he knew that in the Southern States there was an extreme aversion to receiving an additional free black population. The intent of this bill, so far from being in hostility to the law quoted by the gentleman from Pennsylvania, was in furtherance of it. It was to remove them out of the country.

Mr. ROSS said that it was strange that the House should have a bill before it contemplating the removal of a certain description of persons out of the country, when nothing of the kind appeared on the face of it. If that was its intention, there should be a condition that the persons bringing in these slaves should carry them out again.

Mr. NEWTON observed that unless this law passed, the inevitable consequence must be that the negroes must remain here. He did not want them, they brought principles which it was known would not promote our interest or happiness.



JUNE, 1809.]

*Adjournment.*

[H. OF R.]

The committee then rose and reported the bill.

Mr. NEWTON moved a new section for the relief of Foster and Girard, of New York, whose ship had been forfeited under the law prohibiting the importation of slaves.—Agreed to.

And the bill was ordered to a third reading, and subsequently passed without opposition.

*Evening Session.*

Mr. ROOR reported that the committee had

waited on the President according to order, who was pleased to say that he had no further communications to make.

About nine o'clock, all the bills having been enrolled and signed, a motion was made to adjourn, and carried; and the SPEAKER, after wishing the members of the House a pleasant journey home, and a happy meeting with their friends, adjourned the House to the fourth Monday in November next.

## ELEVENTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, NOVEMBER 27, 1809.

## PROCEEDINGS IN THE SENATE.

MONDAY, November 27, 1809.

Conformably to the act passed at the last session, entitled "An act to fix the time for the next meeting of Congress," the second session of the eleventh Congress commenced this day; and the Senate assembled, in their Chamber, at the city of Washington.

## PRESENT :

NICHOLAS GILMAN, from New Hampshire.  
TIMOTHY PICKERING, from Massachusetts.  
CHAUNCEY GOODRICH, from Connecticut.  
STEPHEN R. BRADLEY and JONATHAN ROBINSON, from Vermont.  
JOHN LAMBERT, from New Jersey.  
ANDREW GREGG and MICHAEL LEIR, from Pennsylvania.  
WILLIAM B. GILES, from Virginia.  
JAMES TURNER, from North Carolina.  
THOMAS SUMTER and JOHN GAILLARD, from South Carolina.  
BUCKNER THEUSTON and JOHN POPE, from Kentucky.  
RETURN JONATHAN MEIGS and STANLEY GRISWOLD, from Ohio.

The number of Senators present not being sufficient to constitute a quorum, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 28.

The Senate assembled—present as yesterday; and OBADIAH GERMAN, from the State of New York; JAMES HILLHOUSE, from the State of Connecticut; ELISHA MATHEWSON, from the State of Rhode Island; and NAHUM PARKER, from the State of New Hampshire, severally attended.

ANDREW GREGG, President *pro tempore*, resumed the chair.

The PRESIDENT communicated a letter from the Surveyor of the Public Buildings, stating the difficulties that have prevented the entire completion of the permanent Senate Chamber; which letter was read.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to attend to business.

*Ordered*, That Messrs. GILMAN and GAILLARD be a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives informed the Senate that the House have appointed a committee, on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

*Resolved*, That James Mathers, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

Mr. GILMAN reported, from the joint committee, that they had waited on the President of the United States, agreeably to order, and that the President of the United States informed the committee that he would make a communication to the two Houses to-morrow, at 12 o'clock.

WEDNESDAY, November 29.

JAMES LLOYD, from the State of Massachusetts, attended.

NOVEMBER, 1809.]

*The President's Message.*

[SENATE.]

*President's Message.*

The following Message was received from the  
PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate, and  
of the House of Representatives:*

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so, as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favorable prospect has been overclouded by a refusal of the British Government to abide by the act of its Minister Plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the Minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where, by the terms of the engagements, a mutual ratification is reserved; or where notice at the time may have been given of a departure from instructions; or, in extraordinary cases, essentially violating the principles of equity; a disavowal could not have been apprehended in a case where no such notice or violation existed; where no such ratification was reserved; and, more especially, where, as is now in proof, an engagement, to be executed, without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution on the part of the United States.

These considerations not having restrained the British Government from disavowing the arrangement, by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury, now laid before you, were transmitted to the collectors of the several ports. If, in permitting British vessels to depart without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individuals should be injured by so unforeseen an occurrence: and I rely on the regard of Congress for the equitable interests of our own citizens, to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed Minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted that it would at least be charged with conciliatory explanations of the step which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not

been fulfilled. From the first official disclosures of the new Minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed, nor any authority to substitute proposals, as to that branch which concerned the British orders in council. And, finally, that his proposals with respect to the other branch, the attack on the frigate *Chesapeake*, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals, at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice, than to the principles and obligations of the United States.

The correspondence between the Department of State and this Minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show, also, that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to His Britannic Majesty, through the Minister Plenipotentiary of the United States in London. And it would indicate a want of the confidence due to a Government which so well understands and exacts what becomes foreign Ministers near it, not to infer that the misconduct of its own Representative will be viewed in the same light in which it has been regarded here. The British Government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy, if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued towards the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favorable change. The result of the several communications made to her Government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our Minister at Paris, now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper, on our part, have not been omitted. But, it well deserves the consideration of the Legislature, how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions, under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued towards them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Sec-

retary of War, it will be seen that the fortifications on our maritime frontier are, in many of the ports, completed, affording the defence which was contemplated; and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms, of an improving quality, appears to be annually increasing, at a rate, that, without those made on private contract, may be expected to go far towards providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorized by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations, for which the United States ought to be prepared.

The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of September last, and amounting to more than nine millions of dollars, have enabled us to fulfil all our engagements, and to defray the current expenses of our Government, without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the Treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy of the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection, that this revolution in our pursuits and habits is in

no slight degree a consequence of those impolitic and arbitrary edicts, by which the contending nations, in endeavoring, each of them, to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures of which our own are now taking the place.

Recollecting, always, that, for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore, from the same Omnipotent source, a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

NOVEMBER 29, 1809.

The Message and documents therein referred to were read, and five hundred copies of the Message, and also five hundred copies of the Message together with five hundred copies of the documents, were ordered to be printed for the use of the Senate.

On motion, by Mr. GOODRICH,

*Resolved, unanimously,* That the members of the Senate, from a sincere desire of showing their respect to the memory of the Honorable SAMUEL WHITE, deceased, late a member thereof, will go into mourning for one month, by the usual mode of wearing a crape round the left arm.

THURSDAY, November 30.

PHILIP REED, from the State of Maryland, attended.

JOHN CONDIT, appointed a Senator by the Legislature of the State of New Jersey, in the place of Aaron Kitchel, resigned, produced his credentials, which were read; and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

MONDAY, December 4.

RICHARD BRENT, from the State of Virginia, and WILLIAM H. CRAWFORD, from the State of Georgia, severally attended.

SAMUEL SMITH, appointed a Senator by the Legislature of the State of Maryland from the 15th of November, 1809, to the 4th of March, 1815, produced his credentials, which were read; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate of the 30th of November, for the appointment of Chaplains, and have appointed the Rev. JESSE LEE Chaplain on their part.

TUESDAY, December 5.

*The British Minister.*

Mr. GILES, from the committee appointed on the first instant, reported in part the following

DECEMBER, 1809.]

*Conduct of the British Minister.*

[SENATE.]

resolution; which was read the first time, and passed to the second reading:

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the expressions contained in the official letter of Francis James Jackson, Minister Plenipotentiary of his Britannic Majesty near the United States, dated the 23d day of October, 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea, that the Executive Government of the United States had knowledge that the arrangement lately made by Mr. Erskine, his predecessor, on behalf of his Government, with the Government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose, were highly indecorous and insolent; that the repetition of the same intimation in his official letter dated the 4th of November, 1809, after he was apprised, by the asseveration of the Secretary of State, that the Executive Government had no such knowledge, and that if it had possessed such knowledge such arrangement would not have been entered into on the part of the United States, and after also being officially apprised that such intimation was inadmissible, was still more insolent and affronting; and that, in refusing to receive any further communications from him in consequence of these outrageous and premeditated insults, the Executive Government has manifested a just regard to its own dignity and honor, as well as to the character and interest of the American people.

That the letter signed Francis James Jackson, headed "Circular," dated the 13th of November, 1809, and published and circulated through the country, is a still more direct and aggravated insult and affront to the American people and their Government, as it is evidently an insidious attempt to excite their resentments and distrusts against their own Government, by appealing to them, through false or fallacious disguises, against some of its acts; and to excite resentments and divisions amongst the people themselves, which can only be dishonorable to their own characters and ruinous to their own interests; and the Congress of the United States do hereby solemnly pledge themselves to the American people and to the world to stand by and support the Executive Government in its refusal to receive any further communications from the said Francis James Jackson, and to call into action the whole force of the nation if it should become necessary in consequence of the conduct of the Executive Government in this respect to repel such insults and to assert and maintain the rights, the honor, and the interests of the United States.

#### *Privileges of Foreign Ministers.*

Mr. GILES, from the same committee, also reported the following bill, which was read and passed to a second reading:

A bill to prevent the abuse of the privileges and immunities enjoyed by Foreign Ministers within the United States.

*Be it enacted, &c.,* That if any foreign Ambassador, Minister, or other person, entitled to enjoy within the United States the privileges and immunities of a foreign Minister, shall have committed, or may hereafter commit, any such act as by the laws and usages of nations would justify the President of the United States in ordering such offending Ambassador, Minister, or other person as aforesaid, out of the

District of Columbia, or out of the Territories of the United States; or in sending him home to his Sovereign, or to some place or territory within his Sovereign's jurisdiction; in every such case where the President of the United States shall deem it proper and expedient to exercise his constitutional authority, in either of these respects he shall be, and is hereby authorized and empowered to cause a warrant to be issued and signed by the Secretary of State, directed to any civil officer of the United States, authorized to serve process, or any military officer under the authority of the United States, commanding him to provide for and enforce the departure of such Ambassador, Minister, or other person offending as aforesaid, taking due precautions to avoid improper or unnecessary violence in executing such warrant. And all officers, civil and military, under the authority of the United States, are hereby required and enjoined to be obedient to such warrant. And in case any officer, civil or military, to whom such warrant shall be directed, shall fail, or unreasonably delay to execute the same, every officer so offending shall be deemed guilty of a high misdemeanor, and shall be punished by fine and imprisonment before any court of the United States having cognizance of the offence. *Provided,* That the fine shall not exceed — dollars, nor the imprisonment be for a longer time than — years.

Mr. GILES gave notice that he should call for the consideration of this subject on Thursday next.

FRIDAY, December 8.

*The British Minister.*

The resolution reported by Mr. GILES, approving the conduct of the Executive in refusing to hold any further communication with Mr. Jackson, was taken up in the Senate as in Committee of the Whole. The resolution having been read,

Mr. GILES rose, and spoke as follows:

Mr. President: Before I proceed to perform the duties enjoined upon me as chairman of the committee who reported the resolution before you, permit me to express my regret that the consideration of a subject which justly excites so much sensibility should have been delayed, even only one day, on my account; and be assured, sir, that nothing less than an indisposition, sufficient to justify it, would have caused me to have been absent from my place yesterday. Perhaps, sir, I owe an apology to the Senate at this time for entering into this debate under a state of hoarseness, which must necessarily disqualify me, in some degree, from discharging my duty on the present occasion. But, sir, it is a subject of great consolation to me, to reflect that I am fortunately favored with associates on the committee, either of whom could perform the task I am now engaged in better than myself, and some of whom will certainly do me the favor of correcting any errors I may unintentionally commit, or supplying any omissions I may inadvertently make.

Although it appears to me that the propriety and urgency of the resolution now under consideration must be strongly addressed, both to

the judgment and sensibility of every gentleman who has carefully attended to the distribution of powers under our constitution, and who has also carefully attended to the correspondence which gave rise to the resolution, yet, in a case of so much delicacy, it would naturally be expected, and is a respect due to the Senate, from the chairman of the committee, to present to it at least some of the general motives which induced the committee to report the resolution at this time.

It is to be observed, Mr. President, that our constitution is peculiar in the organization and distribution of its powers; and in no respect is it more peculiar than in the distribution of the particular powers embraced by the resolution. In all other Governments known to us, the same department which possesses the power to receive and negotiate with foreign Ambassadors and other public Ministers, also possesses the power to make war. It has been thought wise in our constitution to separate these powers. With a simplicity of language, and a solidity of wisdom almost peculiar to our constitution, the President is invested with the power to receive Ambassadors and other public Ministers; thus using the broadest terms in granting this power, without even an attempt at limitation or specification; evidently with a view that all the incidental or consequential powers might flow from this general expression to the department thus invested with this general power. It was easy to foresee (and no doubt the framers of our constitution did foresee) that the multiplicity and diversity of cases which would arise in the course of various diplomatic manœuvres and negotiations, would set at defiance all attempts to limit or specify the powers of the department, in this respect, to which these powers were confided, and to be exercised on the part of the United States; and, therefore, every attempt of that kind was wisely avoided, leaving to the President to exercise his authority upon his own responsibility, to be regulated by the only established standard amongst nations, to wit: the laws and usages of nations. For, it never can be presumed, sir, that the wise sages who framed our excellent constitution could for a moment have tolerated the idea that the Ministers of foreign nations residing near the Government of the United States, should possess greater privileges and immunities than the Ministers of our Government residing near foreign Courts. Of course, the same laws—to wit, the laws and usages of nations—were left reciprocally to govern in every reciprocal case.

But, sir, notwithstanding the President is invested with the power "to receive Ambassadors and other public Ministers," and, as I think, all other incidental or consequential powers applicable to the various agencies with such Ambassadors and other public Ministers, yet Congress is invested with the power, without limitation or qualification, "to declare war." Now, sir, it must be obvious to every understanding,

that these several powers are so intimately connected, and may be so dependent upon each other, that the exercise of the power conceded to the President may consequentially involve the necessity of the exercise of the power conceded to Congress, as in the case now under consideration. The refusal of the Executive to receive any further communications from His Britannic Majesty's Minister, (Mr. Jackson,) may consequentially involve us in war with Great Britain; or, in other words, may serve as a pretext for Great Britain to make war upon us, if she should conceive it her interest to do so, which I think not very improbable. Hence arises, in my judgment, the propriety and urgency of expression of the Congressional opinion upon this Executive act, and a declaration of the Congressional will as to the course of conduct Congress will pursue under any consequences which may flow from, or possibly be attributed to, this Executive act.

I conceive, sir, that the expression of this opinion, and the pledge of a solemn declaration, by Congress, are due to the people, because the people have the greatest interest in the character of their Government; and in no part of its attributes have a deeper interest than in its efficacy to resist and impel injuries and insults from foreign Governments. The people, also, are the mediate or immediate electors of Congress, and as such have a right to expect and demand that Congress will execute all their duties, and will never shrink from their constitutional responsibility in any case; and, last of all, in a case of so high and solemn a character as the one under consideration.

This course of conduct is essentially due to the Executive. The President ought to know whether, with the indispensable co-operation of Congress, he ought to proceed with dignified moderation and intelligence to assert and maintain the rights, the honor, and the interests, of the American people; or whether, for the want of that co-operation, he shall with shame and confusion of face be compelled to retrace his steps, and leave to Congress to abandon these high attributes of the nation, and, with their degradation, to record their country's ruin and disgrace. No, sir, it is not possible that an American Congress does exist, or can ever exist, that would not spurn from themselves every vestige of an idea that they could be brought, under any circumstances, to perform so degrading and dishonorable a task. It is imperiously demanded by the dignity and candor of Congress itself. What, sir, shall the exercise of one of the highest constitutional functions of Congress be brought into question, and every individual in the nation engaged in expressing an opinion on it; and shall Congress alone stand aloof, for fear of incurring a responsibility imposed on them by the constitution? Shall Congress stand by as idle spectators, and see a contest before the people, between the President and a foreign Minister, and feel no interest and take no share in such an unprecedented scene,

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especially when one of their highest constitutional functions may be affected by it! No, sir. Congress must speak—Congress must act. Congress never can shrink from its constitutional responsibility. It is due to the dignity—it is demanded from the candor—of Congress.

Above all, sir, it is important to the United States as a nation, that the Congressional will should be proclaimed upon this delicate and solemn occasion. It is of importance, it may be of the last importance, to the United States, that Great Britain should know, before she decides upon this subject, what is the Congressional will in relation to it. Whether she will be called upon to act against an united, harmonized Government and people—or whether she shall have for her prey, a divided people and a discordant Government.

Do you believe, Mr. President, that the conduct of Great Britain would be very different under these different conditions of the people and Government of the United States? Let me ask you this question, sir: would you not, sir, if you were Prime Minister of Great Britain, consulting her interest alone, pursue a very different course of conduct under this different state of things? Let every gentleman put the question to himself; and the answer of every one would be the same. Why then, sir, do we not unanimously take the ground here which, if we were called upon to act in an opposite hostile character, would most certainly deter us from persevering in that hostile character against the United States? Sir, if there had been any doubt upon this subject, our late experience ought to have removed it; for, sir, I have no hesitation in saying, and with pain at heart I shall be compelled to show it in the course of this debate, that, in my judgment, our present embarrassments are too much to be ascribed to our former manifestations of indecision, to our unfortunate dissensions and divisions. Sir, whenever I approach this sorrowful and awful subject, my heart feels as if it were bleeding at every pore, when I am compelled to reflect, and to believe, that this our beloved and happy country may shortly become a bleeding victim, from wounds—if not inflicted by the hands of her own sons, at least by their unhappy divisions and dissensions. Yes, sir, with a full knowledge of what is past, and strong presages of what is to come, is it not deplorable to be compelled to think, that, in a very few months, perhaps in a still shorter time, American blood must be shed, to repel the hostile spirit of Great Britain, now rendered too manifest to every understanding; and worse than all, sir, to wash away the stains of our own unfortunate divisions and dissensions; and is it not wonderful, as it is deplorable, that the virtuous and patriotic American people, and sometimes called the most enlightened in the world, with the experience of the horrible consequences, through all ages, of the divisions of a people amongst themselves, should permit themselves from the same cause, to fall a prey to the same inevitable calamities? Look, Mr. President, through all history, from

the first dispute between Cain and Abel, down to the late disastrous dissensions between the Spanish branch of the Bourbon dynasty, and find if you can, sir, a single instance of a people who gained any advantage from dissensions among themselves, and especially, sir, when they carried them so far, as to join a foreign against their country's standard! I believe, sir, not one solitary instance of this kind stands recorded. Nor is it possible or practicable in any state of human affairs—because in all cases, the foreign interference in the internal concerns of its neighbors is always for its own and never for its neighbor's benefit. With these monitory lessons before our eyes, and a full conviction of their truth upon our hearts, is it not wonderful, that we should voluntarily give up ourselves victims to the same calamities? But, sir, gentlemen may ask, where is the remedy? How can we make a sacrifice of our own opinions? Sir, the case is a plain one. Let gentlemen exercise their opinions and persevere in their arguments at all times respecting our internal concerns, as well before as after the measures are adopted; let them, respecting our foreign relations, urge their arguments with a zeal proportioned to the magnitude of the subject; they will be pleasurably received, and respectfully considered; but after the Government has taken its attitude against a foreign nation, it would be going too far to desert its standard, and to join that of the enemy. It is then time for opinion to pause and reflect, whether any consequence can be worse, or more disgraceful, than joining a foreign against its country's standard? Whether it would not be better, more patriotic, more virtuous, to support your country even in a supposed unwise course of policy, than to join a foreign standard, and use it to correct and change the course of policy thus disapproved?

Sir, in a contest between your own and a foreign nation, it never can be wrong to join the standard of your own country; nor right to join the standard of your enemy. Then, sir, here is a rallying point. It is a plain and obvious one. No understanding can mistake it. No heart can disapprove it. It is our own Government. Let that be the rallying point. There never can be a more propitious moment than the present for casting into oblivion all former irritations and dissensions. There can never be a plainer case presented to the human understanding. There never were more urgent considerations in favor of the course recommended. Whether we respect their repulsive effects upon British hostility or their harmonizing effects among ourselves, they appear to me to be equally strong and persuasive. May I not then, sir, indulge the pleasing hope, that the resolution before you will be received as the signal of unanimity in Congress, and joyfully hailed in that character through the whole of this great and extended country? Sir, does it not manifest a strange perverseness in the human character, for us to observe that, when

it is perfectly at our option, we should choose to distress and injure ourselves by irritations and resentments, rather than delight ourselves with union and harmony and mutual good offices? Especially, sir, when the latter choice would command the respect, if not excite the alarm of our enemy. For, sir, do you believe that if Great Britain saw the strong arm of this nation stretched out to oppose her unjust spirit of hostility, guided in all its operations by one undivided will, she would so readily encounter its powerful influence, as if she saw it paralyzed in all its efforts from the want of a unity of will and action? No, sir, we undervalue our energies and importance, if we were to suppose that her conduct would be the same in both of these situations; or that she is at all indifferent to the course of conduct now to be pursued by us. Let us then all unite, sir, in this proposition, and disappoint her mistaken calculations upon her influence in this country. I verily believe, that union is all that is wanting to appease her hostile spirit towards us. But perhaps, sir, every gentleman present will admit, and it appears to me that no human being can deny, that if the facts stated in the resolution be supported by the correspondence upon which it is founded, that then every gentleman would readily assent to the resolution. But, sir, it is possible, although it appears to be scarcely possible, that some gentlemen may doubt whether the facts stated in the resolution be supported by the correspondence or not. This I admit is a fair though delicate inquiry, and I will therefore immediately proceed to the examination of that question—and I beg the most critical attention of the Senate in the course of the investigation.

I will now proceed, Mr. President, to inquire whether the facts stated in the resolution are supported by the correspondence upon which it is founded? In performing this task, I propose to read the whole of the correspondence which I conceive bears any material relation to the subject of the resolution, and no other; although the whole may not be entitled to, nor receive any animadversions from me, yet as my sole object is to get at the true exposition and meaning of the correspondence, if I should unfortunately omit, misconceive, or misinterpret any material part of it, I shall have the consolation to reflect, that, by presenting the whole, the means of my correction in either case will be presented to the Senate and the world, if the observations I propose now to make should ever find their way out of the walls of this Chamber. I shall also present this correspondence in its responsive order, which will be found to be indispensable to the due comprehension of some of its most essential parts.

Permit me, then, sir, to call your attention first to the letter of Mr. Jackson to Mr. Smith, dated the 11th October, 1809, pages 32, 33, of the printed documents. For, sir, although this letter is not mentioned in the resolution, yet it furnishes the original offensive insinuations, and

is referred to and reiterated in the letter of the 28d October, which is noticed in the resolution, and therefore the offensive expressions of the letter of the 11th are entitled to, and shall receive, the most accurate and critical attention and analysis.

[Here the exceptionable passages were read.]

Now, sir, after thus stripping this extraordinary sentence of all its disguises, and translating it into plain English, to what does it amount? Why, sir, certainly and unquestionably to this:—You, Mr. Smith, Secretary of State of the United States, have entered into an arrangement with my predecessor, Mr. Erskine, under such scandalous and dishonorable circumstances as could only lead to a disavowal of it; and you yourself were so well apprised of them, and so conscious of their inevitable operation, as even to think it unreasonable to complain of the disavowal. I defy gentlemen to give to this offensive paragraph any other fair and correct interpretation; and if this be the fair and correct one, can you conceive, sir, of an insult more outrageous and premeditated? And will you not be surprised, sir, to be told that the insult does not stop here; that, as offensive as it already appears, it does not stop here; that it is still further aggravated? Yes, sir, Mr. Jackson, not content with making this extraordinary and insolent communication in its ordinary form, underscores the words "could only," containing the point or gist of the insult, thus aggravating the act, either by the distrust thus manifested of Mr. Smith's mental perceptions; or by letting Mr. Smith know, that the insult was known to, and intentionally given by Mr. Jackson; for the underscoring could not have had any other object in view. In this impudent act of underscoring, Mr. Jackson reminds me, sir, of a set of miserable, conceited pretenders to wit, who, having great confidence in the acuteness of their own mental perceptions, and very little in that of their hearers, will kindly and compassionately explain the point of wit to their hearers, before they approach it in the recital of the story, to prepare and qualify the hearers' minds to join in the laugh intended to be produced by it. Yes, sir, this underscoring was as much as saying to Mr. Smith, I am afraid that I have so nicely wrapped this insult in the veil of mysteries and disguises, that it may escape observation from the obtuseness of your mental perception, but am determined it shall not. I have underscored it for you; you shall look at it; you shall know that I, Mr. Jackson, understand and mean it. I have wrapped it up in mystery and disguise to be sure, but I will rend the veil, I will make an eyelet hole for you, that you shall look through, and behold the insult in all its front of grossness and impudence.

But, sir, if Mr. Jackson had then known, as well as he now does, the dignified character, the high sensibility, and the correct intelligence of the Secretary of State, he would have found



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it more honorable to himself to have spared his insult altogether, or at least might have spared himself the trouble of underscoring. Sir, I conceive this insult so gross and outrageous that I am surprised how the Executive Government could reconcile it to itself to proceed another step in the communications with Mr. Jackson. Certainly, sir, proceeding beyond this point manifests on the part of the Executive great moderation, great forbearance, and a condescension scarcely excusable; and, sir, I am perfectly sure, that nothing could have induced it to consider such gross intimations argumentatively, but the ardent and sincere desire which has invariably actuated the present, as well as the last, Administration to preserve peace and cultivate harmony and a good understanding with Great Britain. And, sir, we shall see, in the course of this investigation, how it has been required for this, as well as for all former acts of moderation, forbearance, and condescension.

Let me now, sir, select out of the quotation another extraordinary expression, for a few animadversions, in the following words: "But the very act of substitution evidently shows that those original conditions were in fact very explicitly communicated to you, and by you, of course, laid before the President for his consideration."

It is somewhat curious to observe what stress Mr. Jackson placed through the whole of his correspondence, upon what he is here pleased to term "the very act of substitution," and demonstrates to every impartial mind how slender are the pretexts with which Mr. Jackson is furnished, to apologize for, or rather to equivocate about the disavowal of Mr. Erskine's arrangement. Let me, therefore, inquire, in what this horrible act of substitution, as Mr. Jackson would make it appear, consists? Why, sir, simply in this: That the three inadmissible conditions mentioned in one of the despatches to Mr. Erskine, were verbally communicated to Mr. Smith, and insisted upon by Mr. Erskine, and that Mr. Smith, in rejecting those conditions verbally, and with great propriety and frankness, told Mr. Erskine what conditions he might obtain. Mr. Erskine, upon a review of all his letters of instructions, finding it impossible to obtain his, the three conditions first proposed, conceived himself fully empowered to propose those which possibly might have been intimated to him by Mr. Smith in conversation; and the arrangement was accordingly and promptly made between these two gentlemen on the part of their respective Governments. And now let me ask you, sir, what is there dishonorable, unfair, or even unusual in this proceeding, which is the whole amount of Mr. Jackson's "very act of substitution." Sir, it is very easy to see, that Mr. Jackson keeps his ingenuity constantly upon the stretch respecting this very act of substitution, evidently with a view of producing an impression by the insinuation, that the Executive Government of the United States had more than its share in

that arrangement, and, in fact, was concerned in a dishonorable and scandalous combination with his predecessor, Mr. Erskine, for the purpose of producing the arrangement. Which insinuation, if true, must represent Mr. Erskine as a fool, a knave, or a traitor, or all three, and our Executive Government still further lost to every honorable sentiment, and utterly destitute of even the most ordinary understanding. An insinuation so insidious and affronting, cannot fail to excite the indignation and contempt of every patriotic heart in America. But, fortunately for the Executive Government, Mr. Erskine's previous explanation of this point to our Government strips the transaction of every shadow of a shade of a doubt, of which Mr. Jackson perhaps was not apprised at the time he was employed in devising the gross insinuation. Yes, sir, this was one miserable effort of Mr. Jackson to reproach our Executive Government for an act, for which it merited, and universally received, the sincere applause and grateful thanks of the American people. It restored the Executive, as it ought to have done, to universal confidence, and utterly rooted out every doubt of its sincerity in its diplomatic intercourse with Great Britain, under which some of our misled and mistaken citizens, for a while, unfortunately labored. For the moment terms were proposed on the part of Great Britain, which could, with honor or propriety, be accepted by the United States: they were frankly and promptly accepted by the Executive, regardless of all consequences from any other quarter. Sir, there is another part of this quotation which requires a few animadversions.

I allude, sir, to the first solemn declaration made to this Government by Mr. Jackson, respecting the despatch, in which the conditions were prescribed to Mr. Erskine. It is in the following words:

[Here Mr. GILES read the paragraphs from Mr. Jackson's letter, which charged that Mr. Erskine had shown to Mr. Smith, Secretary of State, the inadmissible conditions laid down in Mr. Canning's despatch; and then read Mr. Erskine's statement that he had not shown that part of Mr. Canning's despatch, and giving the reason why he had not done it.]

It is to be observed from this quotation, in the first place, sir, that Mr. Erskine explicitly disavows ever having shown the Executive Government the despatch containing the inadmissible conditions; and thus entirely exculpates it from the odious imputation attempted to be thrown on it by Mr. Jackson, and for this respectful forbearance to our Government, he is certainly entitled to the applause of his own. In the next place, Mr. Erskine explicitly states that the despatch in question contained but one part of his instructions, and that he thought that, from the spirit at least of his several letters of instructions, he was fully authorized to make the arrangement he had done. And I think there is very little doubt but he had—

that Mr. Erskine still thinks so, there can be no doubt—for he nowhere says he is now convinced that his powers were incompetent—he only says, that the disavowal by His Majesty is a painful proof to him, that he had formed an erroneous judgment of His Majesty's views and the intentions of his instructions. Whether or not he had formed an erroneous view of His Majesty's views, or the intention of his instructions, I imagine, will depend very much upon the point of time to which the judgment he had formed is referable. If it be referred to the time of Mr. Oakley's mission, I am inclined to think he had neither formed an erroneous judgment of His Majesty's views, nor the intentions of his instructions; but, if he refers to the time of the disavowal, then I think it pretty certain, he had formed an erroneous judgment of both—for I have no doubt but His Majesty's views at least had completely changed between these two periods of time, and the real cause of this change, and of the disavowal itself, is to be looked for in the occurrences which took place, both in Europe and in the United States, during that interval. No, sir, the want of powers on the part of Mr. Erskine is not the true cause of the disavowal. I will now venture to conjecture the true cause, and, if it be the right one, the case will be a plain one, and all equivocations in the explanations rendered unnecessary. To do this, sir, I must call your attention to the state of events in Europe and in the United States, at these different periods of time. Mr. Oakley's mission was immediately after the British Government was apprised of the precipitate retreat of Sir John Moore's army from Spain, and the fortune escape of the remains of it from Corunna. The affairs of Spain, which had before excited such high expectations in the British Cabinet, were given up as hopeless, &c. Contemporaneously with a knowledge of these events, the British Government was also informed of the measures of resistance against her outrageous aggressions, contemplated by Congress; which she then believed would certainly be carried into effect, &c. Such was the state of things at the time of sending the despatches by Mr. Oakley. At the time of the disavowal, a new coalition had been formed, Austria had boldly entered into the war against France, and the Spaniards had been animated into further efforts at resistance, which excited new hopes of success, &c.

In this country, too, sir—it pains my heart to be compelled to recite the circumstances—our contemplated measures of resistance had been relaxed, and the whole country exhibited such scenes of divisions and disaffections as paralyzed in some degree the movements of the Government. I wish, sir, I could throw a shade of oblivion over these unfortunate scenes, or recollect them only as they furnish the strongest argument. Indeed, sir, they point with an infallible index to the course it now becomes us to pursue. Yes, sir, it is to these changes in the state of things, you are to look for the real

causes of the disavowal, and not to the want of competent instructions on the part of Mr. Erskine; and it would have been more dignified on the part of the British Government to have told us so at once. She would then have said to us, the state of things is changed; at the time of giving the instructions, I was depressed from a combination of untoward events; I am now flushed with new hopes of elevation and of triumph. Besides, you have convinced me that you are untrue to yourselves—that you will shrink from the assertion and support of your own rights—if you will not, I am not bound to respect them, &c. I was then down, I am now up, and therefore I cannot grant you, in a spirit of triumph, what I solemnly promised in a spirit of despondency—I now find this the most favorable moment for establishing my favorite doctrine of the despotism of the ocean; and I cannot, and will not deprive myself of the advantage merely to avoid the imputation of bad faith. Yes, sir, this would have been a much more correct and dignified course on the part of Great Britain than the miserable effort made by Mr. Canning in devising an ingenious mental retort, for converting the bad faith of his own Government, in the disavowal of the arrangement, into a reproach upon ours, for the circumstances under which that arrangement was pretended to have been made. It is true, sir, that in the one case there would have been an admission of *mala fides*, which is basely attempted to be avoided by a miserable subterfuge in the other; but, then the British Cabinet would have had the consolation of having told the truth, taken the responsibility upon themselves and set us at defiance; and we should have been left to our own remedy, with a perfect understanding of the case. She would, also, have had the plea of necessity, the old-fashioned plea of tyrants, and, indeed, of everybody else, who has no better; but this is not Mr. Canning's mode of doing business; he chooses to act by tricks and contrivances; and, in the case of the disavowal, by a mental retort, flowing solely from his own visionary mental conceits, without a fact or pretext for its support.

Mr. President, I am told that Mr. Canning is a professed punster. But, sir, I would not condescend to make the observation here, had he not, after heaping upon us, during the whole of his administration, every injury and insult in his power, at the close of it placed us in a ludicrous situation by imposing on us an obligation, in a grave and serious concern to the nation, of expounding his equivokes, and unriddling his riddles. I really feel some condescension in being compelled, in my place, to hunt out for his and Mr. Jackson's meaning, through a transition of sentences, a collocation of words, and a shifting of verbiage. And indulge me, sir, with remarking, that I conceive the situation of a nation never can be more disastrous, calamitous, and lamentable, than when its great and serious affairs are placed in

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the hands of a parcel of punsters. For, sir, men of minds of that description are too much employed in the pleasing amusement of looking out for coruscations of wit and sentiment, to have any leisure for the more dull and unpleasurable business of observing and marking the great occurrences in human affairs, and of devising means of giving them a direction favorable to their own views, or to their country's interests. No, sir, this is too dull and plodding a pursuit for men of such light, fitting, brilliant imaginations, and if ever they unfortunately undertake it, they soon find the woful misapplication of talents. If, sir, any illustration were wanting of the correctness of these observations, it could nowhere be found better than in an attentive review of the historical events which occurred during the late British administration—the administration of the energetic, the brilliant, the sarcastic, the facetious, the joking Mr. Canning. He has carried his joking propensities far indeed. It may be truly said he jests at scars indeed—at scars of the blackest disgrace and ruin inflicted upon his bleeding country—upon a great nation, which probably would have received, and certainly merited, a better fate, if it had fortunately placed its destinies in better hands. Sir, it appears to me, that all the military enterprises during his whole administration, from the abominable attack on Copenhagen, down to the last expedition against the islands of Zealand, were nothing more than beligerent puns and conundrums. It has been constantly announced that some grand, secret expedition was on hand, and each succeeding one grander than the preceding, until the last expedition to Walcheren, which was the grandest of all; and, when the secret really came out, it appeared either that the object was abominable or contemptible, and the means of executing even the contemptible object, upon experiment, were generally found incompetent. Yes, sir, probably these enterprises have cost the British nation the lives of fifty thousand brave officers and soldiers, and I will not undertake to count the millions of dollars. Sir, the same little-minded course of policy has also been uniformly manifested during the same time against the United States; and in no respect more than in the disavowal of Mr. Erskine's arrangement—in avoiding to avow the real motives for it—and in the uncandid attempt to convert the bad faith of the British Government into a reproach upon our own; and this was to be done by an ingenious mental device, prettily conceived by Mr. Canning, and adroitly executed by Mr. Jackson, who, if not equal to Mr. Canning in the mysterious art of punning, I think can be very little way behind his prototype in the art of equivoques. Sir, the disavowal, in my judgment, was not for the want of competent powers. Too great a share of the real cause of the disavowal, unfortunately, is attributable to ourselves, and now is the moment to relieve ourselves from the imputation. Sir, it is painful for me to be so often com-

pelled to question the candor of any gentleman, particularly one clothed with the high functions of Minister Plenipotentiary of His Britannic Majesty; but permit me to ask you, sir, how it is possible for Mr. Jackson not to conceive that offence would be taken at his offensive insinuations after Mr. Smith's letter of the 1st of November, telling him in strong and decisive terms that offence had been taken at them? or how can Mr. Jackson reconcile it to himself to say that in adhering to these gross insinuations, he did not intend to give offence? Let me ask you, sir, what else he did, or could intend? For my part, I can see nothing else that he could either rationally intend or expect. Here then, sir, is another false or fallacious disguise thrown out before the people of the United States, as will always be the case in every appeal to them, calculated, or evidently intended, to excite their resentments and distrusts against their own Government.

Now, sir, upon the most critical review of this exposition, is there a single gentleman present, who is not prepared to say, that the facts stated in the resolution are fully justified by the correspondence? And if they be, sir, what inducement can possibly prevent unanimity on the present occasion? Surely those, who wish peace with Great Britain, will find unanimity upon this occasion the most likely to deter from war; and surely, sir, every gentleman must feel and see that the declarations contained in the resolution are imperiously due to the dignity and honor of our own Government, as well as to our respect for the people and ourselves. Sir, what would be the effect of passing by unnoticed these gross and insidious insults to both the people and Government? Why, sir, foreign Ministers would begin to conceive, that an appeal to the people was amongst the most sacred of their privileges and immunities. The frequency of them already is almost sufficient to establish and sanctify the rule. The cases of Genet, Yrujo, the publication of Mr. Canning's letter in one of the Boston newspapers, &c., never received sufficient animadversions from Congress; and if this most aggravated case of all should pass over unnoticed, I should not be surprised to see Mr. Jackson during the present winter set himself up as a British President in New York, contesting the point of jurisdiction before the people, with the American President at Washington; whilst Congress, regardless of their own constitutional powers, &c., should stand by and behold the extraordinary scene in a state of perfect neutrality. Sir, is it possible that Congress can so far forget their duties to the people and their respect for themselves? Independently of the obvious propriety of this proceeding in itself, have we, sir, no examples of the course of conduct recommended by the resolution? Let me remind you, sir, of the case of Count De Palm in the British Parliament. In that case, sir, the Count De Palm presented a memorial to the British King by the express order of his Government, complaining of the mis-

representation of facts made in the King's speech to Parliament, which complaint the British historians admit was well founded. After presenting the memorial, he caused it to be published and circulated through the country, etc. What, sir, was the conduct of the British Parliament and nation upon that occasion? Sir, the Parliament unanimously entered into resolutions expressing the highest indignation at the insolent procedure; and presented an address to His Majesty requesting him to order the Count De Palm out of the country immediately. Sir, I will not trouble the Senate with reading the proceedings of the House of Commons upon this memorable occasion; because I presented them to the Senate last winter in the case of the publication of Mr. Canning's letter in the Boston paper, and I, therefore, presume they are now fresh in the recollection of every gentleman. And what, sir, was the conduct of the opposition in the British House of Commons, when their King and country were insulted by a foreign Minister? Did they hold back, did they attempt to paralyze the proceedings of their Government in resenting this conduct and retrieving its wounded honor and dignity? No, sir, they were Englishmen, and felt the indignity to themselves! They were patriots, and could not see their Government and nation insulted with indifference! They stepped forward, sir, and were the first to move the resolution and address. The proceeding was unanimous; and what benefit did the British nation receive from this unanimous and prompt proceeding? Why, sir, from the year 1726 to the present time, the insult has not, I believe, been repeated, and probably never will again.

Sir, how honorable, how patriotic, was this course of conduct to the British opposition! How honorable and laudable would be its imitation here! Especially, sir, when union is all that is wanting to make us happy and victorious. Why then, sir, should we not have union, when it is so easy and efficacious a remedy for all our difficulties? Sir, the nation expects it; the nation has a right to demand it. May I not then hope, sir, that the hitherto dominant spirit of party will now yield to an occasion, so obvious, so urgent, so honorable! Sir, I cannot express to you the pleasure I should feel at my heart, if I could see all irritations banished, and harmony and mutual good will universally pervading all political scenes and all social intercourse. That the present occasion may be improved to this desirable end, is the most fervent prayer of one, who, in the present delicate, interesting crisis of the nation, feels a devotion for his country beyond every thing else on this side of Heaven!

After Mr. GILES concluded, the question was taken on the passage of the resolution to a third reading. There were twenty-four members present, besides the President *pro tem.*; of whom twenty voted in favor of it. It was ordered to be read a third time on Monday next.

MONDAY, December 11.

Mr. GILMAN, from the committee, reported the resolution relating to the official correspondence between the Secretary of State and Francis J. Jackson, Minister Plenipotentiary of His Britannic Majesty, correctly engrossed; and the resolution was read the third time.

On the question, Shall this resolution pass? it was determined in the affirmative—yeas 20, nays 4, as follows:

YEAS.—Messrs. Bradley, Brent, Condit, Crawford, Gaillard, German, Giles, Gilman, Gregg, Griswold, Lambert, Leib, Mathewson, Meigs, Parker, Pope, Reed, Smith of Maryland, Sumter, and Turner.

NAYS.—Messrs. Goodrich, Hillhouse, Lloyd, and Pickering.

MONDAY, December 18.

JOHN SMITH, from the State of New York, attended.

THURSDAY, December 21.

JOSEPH ANDERSON, from the State of Tennessee, attended.

TUESDAY, December 26.

JESSE FRANKLIN, from the State of North Carolina, attended.

THURSDAY, December 28.

CHARLES TAIT, appointed a Senator by the Legislature of the State of Georgia, in the place of John Milledge, resigned, produced his credentials; which were read, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

TUESDAY, January 2, 1810.

JAMES A. BAYARD, from the State of Delaware, attended.

THURSDAY, January 4.

JENKIN WHITESIDE, from the State of Tennessee, attended.

FRIDAY, January 12.

ALEXANDER CAMPBELL, appointed a Senator by the Legislature of the State of Ohio, in place of Edward Tiffin, resigned; and CHRISTOPHER G. CHAMPLIN, appointed a Senator by the Legislature of the State of Rhode Island, in the place of Francis Malbone, deceased; severally produced their credentials, which were read. And the oath prescribed by law having been administered to them, they took their seats in the Senate.

TUESDAY, January 23.

Naval Armament.

The Senate resumed the third reading of the bill authorizing the fitting out, officering, and manning, the frigates belonging to the United States.

FEBRUARY, 1810.]

Non-Intercourse.

[SENATE.]

THURSDAY, February 1.

The PRESIDENT communicated a letter from the Governor of the State of Kentucky, enclosing a certificate of the appointment of HENRY CLAY a Senator of the United States, in place of Buckner Thruston, resigned. And the certificate was read, and ordered to lie on file.

MONDAY, February 5.

HENRY CLAY, appointed a Senator by the Legislature of the State of Kentucky, in the place of Buckner Thruston, attended, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

THURSDAY, February 22.

Non-Intercourse.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes," correctly engrossed; and the bill was read the third time as amended.

Mr. CLAY.—Mr. President: At all times embarrassed when I have ventured to address you, it is with peculiar diffidence I rise on this occasion. The profound respect I have been taught to entertain for this body, my conscious inadequacy to discuss, as it deserves, the question before you, the magnitude of that question, and the recent seat I have taken in this House, are too well calculated to appall, and would impel me to silence if any other member would assume the task I propose attempting. But, sir, when the regular troops of this House, disciplined as they are in the great affairs of this nation, are inactive at their posts, it becomes the duty of its raw militia, however lately enlisted, to step forth in defence of the honor and independence of the country.

I voted yesterday against the amendment offered by the gentleman from Maryland, because, while that vote did not pledge me for the ultimate passage of the bill, it would have allowed me to give it my support if no better proposition was tendered. I do not like the bill as sent from the House of Representatives. It was a crazy vessel, shattered and leaky; but it afforded some shelter, bad as it was. It was opposition to the aggressive edicts of the belligerents. Taken from us without a substitute, we are left defenceless, naked, and exposed to all the rage and violence of the storm.

Sir, have we not been for years contending against the tyranny of the ocean? Has not Congress solemnly pledged itself to the world not to surrender our rights? And has not the nation at large in all its capacities of meetings of the people, State, and General Government, resolved to maintain at all hazards our maritime independence? Your whole circle of commercial restrictions, including the non-importation, embargo, and non-intercourse acts, had in view an opposition to the offensive measures of the belligerents, so justly complained of by us. They

presented *resistance*—the *peaceful* resistance of the law. When this is abandoned without effect, I am for resistance by the *sword*.

No man in the nation wants peace more than I; but I prefer the troubled ocean of war, demanded by the honor and independence of the country, with all its calamities and desolation, to the tranquil and putrescent pool of ignominious peace. If we can accommodate our differences with one of the belligerents only, I should prefer that one to be Britain; but if with neither, and we are forced into a selection of our enemy, then am I for war with Britain, because I believe her prior in aggression, and her injuries and insults to us were atrocious in character. I shall not attempt to exhibit an account between the belligerents of mercantile spoiliations inflicted and menaced. On that point we have just cause of war with both. Britain stands pre-eminent in her outrage on us, by her violation of the sacred personal rights of American freemen, in the arbitrary and lawless imprisonment of our seamen, the attack on the Chesapeake—the murder, sir. I will not dwell on the long catalogue of our wrongs and disgrace, which has been repeated until the sensibility of the nation is benumbed by the dishonorable detail.

But we are asked for the means of carrying on the war, and those who oppose it triumphantly appeal to the vacant vaults of the Treasury. With the unimpaired credit of the Government invigorated by a faithful observance of public engagements, and a rapid extinction of the debt of the land, with the boundless territories in the west presenting a safe pledge for reimbursement of loans to any extent, is it not astonishing that despondency itself should disparage the resources of this country? You have, sir, I am credibly informed, in the city and vicinity of New Orleans alone, public property sufficient to extinguish the celebrated deficit in the Secretary's report. And are we to regard as nothing the patriotic offer so often made by the States, to spend their last cent, and risk their last drop of blood, in the preservation of our neutral privileges? Or, are we to be governed by the low, grovelling parsimony of the counting room, and to cast up the actual pence in the drawer before we assert our inestimable rights?

It is said, however, that no object is attainable by war with Great Britain. In its fortunes, we are to estimate not only the benefit to be derived to ourselves, but the injury to be done the enemy. The conquest of Canada is in your power. I trust I shall not be deemed presumptuous when I state that I verily believe that the militia of Kentucky are alone competent to place Montreal and Upper Canada at your feet. Is it nothing to the British nation; is it nothing to the pride of her Monarch, to have the last of the immense North American possessions held by him in the commencement of his reign wrested from his dominion? Is it nothing to us to extinguish the torch that lights

up savage warfare? Is it nothing to acquire the entire fur trade connected with that country, and to destroy the temptation and the opportunity of violating your revenue and other laws?

War with Great Britain will deprive her of those supplies of raw materials and provisions which she now obtains from this country. It is alleged that the non-intercourse law, constantly evaded, is incapable of execution. War will be a non-intercourse, admitting of but partial elusion. The pressure upon her, contemplated by your restrictive laws, will then be completely realized. She will not have the game, as she will if you pass this bill without an efficient system, entirely in her own hands. The enterprise and valor of our maritime brethren will participate in the spoils of capture.

Another effect of war will be, the reproduction and cherishing of a commercial spirit amongst us. Is there no danger that we shall become enervated by the spirit of avarice, unfortunately so predominant? I do not wish to see that diffusive military character, which, pervading the whole nation, might possibly eventuate in the aggrandizement of some ambitious chief, by prostrating the liberties of the country. But a certain portion of military ardor (and that is what I desire) is essential to the protection of the country. The withered arm and wrinkled brow of the illustrious founders of our freedom are melancholy indications that they will shortly be removed from us. Their deeds of glory and renown will then be felt only through the cold medium of the historic page. We shall want the presence and living example of a new race of heroes to supply their places, and to animate us to preserve inviolate what they achieved. Am I counting too much on the valor of my countrymen, when I indulge the hope, that, if we are forced into war, the American hero now lives, who, upon the walls of Quebec, imitating his glorious example, will avenge the fall of the immortal Montgomery? But we shall, at least, gain the approbation of our own hearts. If we surrender without a struggle to maintain our rights, we forfeit the respect of the world, and (what is worse) of ourselves.

We are often reminded that the British navy constitutes the only barrier between us and universal dominion. When resistance to Britain is submission to France, I protest against the castigation of our colonial infancy being applied in the independent manhood of America. I am willing, sir, to dispense with the parental tenderness of the British navy. I cannot subscribe to British slavery upon the water, that we may escape French subjugation on land. I should feel myself humbled, as an American citizen, if we had to depend upon any foreign power to uphold our independence; and I am persuaded that our own resources, properly directed, are fully adequate to our defence. I am therefore for resisting oppression, by whomsoever attempted against us, whether maritime or territorial.

Considering then that the bill as amended in this House, in furnishing no substitute for the law of non-intercourse, which it repeals, nor the proposition of the other House, intended to take its place, is a total dereliction of all opposition to the edicts of the belligerents, I cannot vote for it in its present form. I move a recommitment of the bill to supply this defect. What ought to be the substitute, I confess I have not satisfied myself—not expecting that it would fall to my lot to make you this motion. The committee, however, can deliberate upon the subject, and propose one. I would suggest two for consideration—either a total non-importation, which our laws can doubtless enforce, or to arm our merchantmen, and authorize convoys. A day may be fixed, allowing sufficient time for the last effort of the negotiation. That failing, our merchants then to be permitted to arm, and to receive all the protection by convoys which the public vessels can give. This latter measure may lead to war, but it is not war. Our neutral rights are violated by the belligerents. Each places our commerce under restrictions, not warranted by the law of nations. We must then submit, or protect it. Whilst we confine ourselves within the pale of that law, neither has a right to complain. When so armed, and pursuing our lawful destination, let those who attempt to molest us take to themselves the consequences of their own violations. On our part, a war thus produced will be a war of defence.

But, Mr. President, if, after all our deliberation, it shall be deemed unwise to adopt either of these expedients, perhaps some other unexceptionable course may occur. I insist that you do not return the bill to the other branch of the Legislature in its present form. They have sent you a measure, I acknowledge, weak; it is, however, not submission. It professes to oppose (in form, at least) the injustice of foreign Governments. What are you about to do—to breathe vigor and energy into the bill? No, sir; you have eradicated all its vitality, and are about to transmit back again the lifeless skeleton. I entreat the Senate to recollect the high ground they occupy with the nation. I call upon the members of this House to maintain its character for vigor. I beseech them not to forfeit the esteem of the country. Will you set the base example to the other House of an ignominious surrender of our rights, after they have been reproached with imbecility, and you extolled for your energy? But, sir, if we could be so forgetful of ourselves, I trust we shall spare you the disgrace of signing with those hands, so instrumental in the Revolution, a bill abandoning some of the most precious rights which it then secured.

The motion of Mr. CLAY to recommit the bill, for the purpose of amendment, was determined in the negative—yeas 18, nays 20, as follows:

YEAS.—Messrs. Bradley, Brent, Campbell, Clay, Condit, German, Mathewson, Meigs, Parker, Pope, Robinson, Sumter, and Whiteside.

MARCH, 1810.]

Withdrawal of Resolutions.

[SENATE.]

NAVS.—Messrs. Anderson, Bayard, Champlin, Crawford, Franklin, Gaillard, Gilman, Goodrich, Gregg, Hillhouse, Horsey, Lambert, Leib, Lloyd, Pickering, Reed, Smith of Maryland, Smith of New York, Tait, and Turner.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 26, nays 7, as follows;

YEAS.—Messrs. Anderson, Bayard, Brent, Campbell, Champlin, Crawford, Franklin, Gaillard, Gilman, Goodrich, Gregg, Hillhouse, Horsey, Lambert, Leib, Lloyd, Mathewson, Meigs, Pickering, Reed, Smith of Maryland, Smith of New York, Sumter, Tait, Turner, and Whiteside.

NAYS.—Messrs. Bradley, Clay, Condit, German, Parker, Pope, and Robinson.

So it was resolved that this bill pass with amendments.

On motion, by Mr. SMITH of Maryland, it was agreed that the title of the bill be amended, to read as follows: "An act to interdict the public ships and vessels of France and Great Britain from the ports and harbors of the United States, and for other purposes."

WEDNESDAY, February 28.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the constitution provides, and the honorable JOHN GAILLARD was appointed.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the Vice President, elected the Honorable JOHN GAILLARD President of the Senate *pro tempore*.

TUESDAY, March 6.

*Non-Intercourse.*

The Senate resumed the resolution of the House of Representatives disagreeing to their amendments to the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

The question pending, when the Senate adjourned yesterday, was on adherence to their amendments to the bill.

Mr. ANDERSON observed that, when he had made the motion yesterday to *adhere*, he had done it under the impression that it was proper to bring the subject to a conclusion, and because he believed the interest of the country required that it should be finally acted on. He said he was still impressed with that idea; but, paying a deference to the opinion of his friends, desiring also to treat the House of Representatives with the respect due to that body, and because it was more conformable to the rules of proceeding generally observed, he withdrew the motion to *adhere*, and moved to *insist* on the amendments. He said he should, by parliamentary practice, have been fully justified in the motion to adhere before insisting. But it was proper that the two Houses of Congress should be courteous in their conduct to one another, and the state of affairs at present peculiarly re-

quired it; he therefore varied his motion. The question was then taken to *insist*, and carried without a division.

Mr. ANDERSON then moved to appoint a committee of conference, to confer on the subject with such committee as should be appointed by the House of Representatives.—Agreed to.

Messrs. ANDERSON, LEIB, and SMITH of Maryland, were accordingly appointed on the part of the Senate.

THURSDAY, March 8.

*Demands upon Great Britain—Reprisal.*

Mr. LEIB submitted the following resolutions:

"Resolved, That the President of the United States be required to instruct our Minister at the Court of Great Britain to demand of the British Government an immediate compliance with the arrangement made by their Minister, Mr. Erskine, with this Government, comprising atonement for the attack upon the frigate Chesapeake, and a relinquishment of the Orders in Council; and that, on failure to execute that arrangement, our Minister be directed forthwith to return to the United States.

"Resolved, That the President of the United States, be required to instruct our Minister at the Court of Great Britain to demand of the British Government an immediate release of all American citizens impressed into the British service, and that, on failure or refusal to make such release, our Minister be directed forthwith to return to the United States.

"Resolved, That, on the failure or refusal of the Government of Great Britain, after demand made by our Minister to carry into effect the arrangements made by Mr. Erskine, the British Minister, or, on the refusal or failure to release all American citizens impressed into the British service, the President of the United States be authorized to issue letters of marque and reprisal against the ships and vessels belonging to the Government and subjects of Great Britain."

MONDAY, March 12.

*Withdrawal of Resolutions.*

Mr. LEIB, on request, had leave to withdraw his resolutions submitted for consideration on the 8th inst.

Mr. LEIB remarked that he had submitted the resolutions upon the table of the Senate under a conviction that the honor and interests of the nation required such a course of measures. He believed that it was time to have done with trifling, with a war of words, and with what had been termed *gasconade*; that the cup of expedients had been drained to the last drop, and that a new mode of warfare became indispensable, to vindicate our honor and assert our rights. His impressions were, that a determined attitude alone could rescue us from the oppressor's wrong, awaken a sense of justice, or lead to that necessary alternative which an injured nation is sometimes obliged to resort to, to avoid greater calamity. He said that he was no friend to war—that peace was the first wish of his heart—but that he could not consent to preserve it by a prostitution of the attributes

SENATE.]

*Non-Intercourse.*

[MARCH, 1819.]

of freemen. Insult, robbery, and murder, cried aloud for justice or for vengeance; and duty requires of him the aid of his feeble efforts to rescue the nation from degradation. He remarked, that the resolutions were directed against one of the belligerents only, and he would assign his reasons for the discrimination, and why he had selected Great Britain for their object. It had been admitted that we had a right to choose our enemy, and Great Britain was selected, because she was first in the career of maritime despotism, and had exercised it with unrelenting severity; because she stands alone in the impressment of our citizens, and dooms them to ignominious punishment, or compels them to fight her battles; because the national honor had been vitally wounded, in the attack upon our flag; and because she had heaped outrage upon aggression, and had imbrued her hands in the innocent blood of our citizens. Since the resolutions were offered, he further remarked, the aspect of things seemed to be somewhat varied, and a hope is entertained, from the advices received, that a change of attitude may be rendered unnecessary; and that, under present circumstances, such change is inexpedient, and may prove injurious. However skeptical he might be on this subject, he had no wish to embarrass the Administration in its negotiations; but, on the contrary, he wished to give full scope to any efforts for an amicable adjustment of our differences. He wished not to throw in a cloud to intercept that glimpse which was supposed to be breaking upon us. His enmities, he said, were national, and would cease with the cause of excitement. Under these impressions, and in deference to the judgment of political as well as personal friends, to whose opinions he was always ready to render a willing homage, he said that he would withdraw the resolutions, reserving to himself the right to renew them under other circumstances.

MONDAY, March 19.

*Non-Intercourse.*

The Senate resumed the consideration of the report of the managers at the conference on their part, on the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

On motion, by Mr. OLAY, to postpone the further consideration thereof until to-morrow, it was determined in the negative. And the question recurring on the original motion—

Mr. S. SMITH said: Mr. President, the question before the Senate is, to adhere to their amendments made to the bill "respecting the commercial intercourse between the United States and Great Britain and France."

It is with extreme reluctance that I rise on the present occasion. I feel, sensibly feel, the situation in which I place myself by opposing a measure countenanced by the vote in the

other House, of almost all those with whom I have been accustomed to act, and by many in the Senate, for whose superior judgment and correct opinions I have ever had the highest respect. Finding, however, that I differed with those gentlemen, I took the bill to my lodgings, and considered it with a disposition to find in it something that should induce me to give up my own opinion to that expressed by the vote in the other House; but I looked in vain, and I found myself compelled to take the ground of opposition to the bill. In doing this, I must hope for the indulgence of those with whom I differ, and of the Senate, for detailing the reasons for the motion I made to amend the bill. To do this, it may not be unprofitable to take a review of the causes that led to the measures adopted by the United States, and the course taken by Congress to resist the injuries imposed upon us by Great Britain and France.

The insult offered to the honor of the nation in the affair of the Chesapeake, so far from being redressed, was heightened by a proclamation from the King of Great Britain, authorizing publicly, in the face of the world, the boarding of our merchant ships, and taking therefrom whomsoever their officers should call a British subject; to palliate this outrage on our independence, it was recommended to the boarding of floor to execute this indignity with politeness. About the same time the Government was informed of the case of the *Horizon*, condemned under the Berlin decree, and that the Emperor had determined that that decree should embrace Americans as well as other neutrals. This determination was directly contrary to the assurance given General Armstrong, by the French Minister of Marine, as well as to the practice under the decree. This was the first intimation given to our Government that the Berlin decree would operate on the interest of the United States.

The President (as was his duty) laid both of those subjects before Congress in a Message, and it was well known at the same time, (although not officially,) that the British Order of Council of November had been issued.

What was then our situation with those nations? France had declared every American vessel that was bound to or from Great Britain or having on board goods, the produce or manufacture of Great Britain, to be lawful prize. Great Britain declared that every American vessel bound to any port of Europe, should first come into her ports, there land her cargo, pay a transit duty, and depart (if they pleased) to their original port of destination; and any vessel failing to do so, should be liable to condemnation; that any American vessel having a certificate of origin on board, should be considered good prize. Thus situated, we had a choice of war or embargo. To make war on France would have been idle; we could inflict no wound on her by war, except that of withholding our supplies from her West and East India colonies and this would as effectually be done by an embargo.



MARCH, 1810.]

Non-Intercourse.

[SENATE.]

bargo. In a war with England, we could inflict severe wounds on her immense commerce, and she is always vulnerable on the side of Canada. A more pacific system was however adopted—the *embargo*. Had that measure been rigidly enforced, it could not have failed to have compelled a removal of the unjust conduct of those nations, most certainly of that of Great Britain. The Senate, aware that a measure of that kind could not be enforced without a physical force, sensible that the prospect of profit would induce many to prevent its intended operations by evasions, did immediately pass a bill authorizing the President to fit out and put to sea all the armed vessels of the United States, for the purpose of preventing evasions of the law, to employ our seamen who were thrown idle, and to be prepared for events should a war ensue. The bill slept in the other House, and, by an ill-timed economy, was ultimately rejected, by which a free scope was given to evaders of the law, and the system (which was a wise one) was in some degree frustrated; yet it had an effect highly salutary on Great Britain, it compelled her to modify the Orders of Council of November, and no longer were our ships compelled to go into her ports, and there pay tribute; no longer were our vessels subjected to condemnation for having a certificate of origin on board. The embargo was severely felt by Great Britain while in force, every article which they had been accustomed to receive from us rose immediately in price, and I am confident that had it been continued and executed, full satisfaction would have been given by Britain for the various outrages which had been committed on our honor and independence. It was relinquished, and a non-intercourse was substituted as to both nations. This measure, although less strong, was such as would have been very severely felt by the British nation. It completely excluded the importation of her manufactures into the United States; it took from her a market for more than one-half of her manufactures; it turned idle a large number of workmen, and although it did not prevent her from getting our productions, yet she obtained them in such a way, that they cost her, in some instances, double their usual price. This new system was however checked in its course by the arrangement made with Great Britain through Mr. Erskine. Our ports were thrown open, and our vessels (then nearly all in our harbors) soon filled Great Britain with every thing she wanted at low prices; flour fell instantly in England to nine and a half and ten dollars the barrel.

Great Britain, in lieu of the Orders of Council, excluded us from France and Holland, and their colonies, and from Italy, by a paper blockade; an iniquitous, illegal system, which she had adopted in 1793, and has either contracted or extended at her pleasure ever since. Our own law excluded us from France and Italy. This tended to give a direction to a great proportion of our trade to Great Britain, and there-

by completely supplied her wants. On the disavowal of Mr. Erskine's arrangement, the non-intercourse was renewed, and a stop put to our exports to Great Britain; the consequence was, that flour rose immediately to fourteen and fifteen dollars in England; cotton, tobacco, and other articles, in a proportion still greater. I mention this to show, that whenever we stop our trade to Great Britain she feels it sensibly in the high prices she has to give for our exports, and thus to show the efficacy of the system that had been taken, if it had been duly executed. But in her exports Great Britain felt little, for our merchants had given their orders under the arrangement, and it would have been unjust to have prevented them from receiving the goods they had ordered; the non-importation part, which I conceive the most essential part of the non-intercourse, had in consequence been inoperative.

What, then, was our situation when Congress met? The French privateers were capturing our defenceless merchant ships, burning those of little value, and carrying into their ports for condemnation those which were valuable. Great Britain had, by a pretended blockade, excluded us from entering the ports of Holland, France, Italy, and their West and East India colonies. She had sent a Minister to succeed Mr. Erskine, who, so far from offering any explanations on the disavowal of the arrangement made with his predecessor, added insult to injury, and bearded us to our teeth; he gave us to understand that the terms proposed in the instructions to Mr. Erskine would be insisted on—terms that I am confident no citizen of the United States would accede to.

In this state of our foreign relations Congress met, the members brought with them the feelings of the people, who were all alive to the late indignity offered their Government, all expected that measures of energy would be pursued. This House felt and acted. Resolutions passed almost unanimously, expressive of their sense of the insult offered by the British Minister.

The Senate passed a bill ordering the whole of the vessels of war to be put in commission, (which bill sleeps still in the other House,) and were progressing in preparations for the defence of the honor and safety of the nation, when the bill now under consideration was reported by the Committee of Foreign Relations. It operated instantly like an electric shock, it paralyzed every effort, and gentlemen were astonished when they were told that this bill was the great measure that was to preserve our honor in the eyes of all the world; that it was the grand panacea which was to heal the wounds that had been inflicted on our rights by the beligerents. In fact, it was the only measure on which we were to rely for a redress of all our grievances.

Mr. President, I read this grand effort with attention. In vain did I look for something therein that would tend to obtain satisfaction

for the insult on the Chesapeake; in vain for any thing that would tend to prevent the future impressment of our seamen; in vain for any thing that would induce or coerce the belligerents to repeal their unjust orders and decrees against our lawful commerce. One great feature, and one only, was to be discovered, to wit: the repeal of the non-intercourse law—covered by a thin veil, composed, as the gentleman from Kentucky (Mr. CLAY) has said, of shreds and patches. Not so, Mr. President; if it had been patchwork alone, I should not have disturbed its arrangement. But I found in it, or believe I did, that which would be ruinous to the commerce of the United States, and therefore felt myself bound by the duty I owe to my constituents to remove the veil, and leave the measure open to public view; the Senate concurred with me in opinion, to wit: to strike out the injurious sections, to which opinion I shall vote to adhere.

I have been asked, shall Congress rise and do nothing? I answer, that it is better to do nothing than to do that which will only injure ourselves. But, sir, I wished to do something; I proposed, in select committee, to strike out those sections which would only do us injury, and then fill their place with sections (which I had draughted and presented for consideration) authorizing the arming of the merchant ships, not for defence alone, but with authority to capture and make prize of any vessel that might assail them while engaged in lawful commerce, and to employ the public ships of war in conveying the trade of the nation. I met with no support in this system; there were in committee four against my motion. Discouraged by so large a proportion voting against me, I neglected, or was deterred from making the same motion in Senate, and this error I regret, although I know not whether I should have been more successful in Senate than I had been in committee; but I should have been better pleased with my own conduct. I had, it is true, an expectation that, in a committee of conference between the two Houses, that something might be introduced that would please both branches of the Legislature; and I presumed that the convoy system would be substituted. I have been mistaken. The conferees met, and the committee of Senate submitted a section, "authorizing the President, under his instructions, made conformably to the laws of nations, to grant convoy to the merchant ships of the United States engaged in lawful commerce." That proposition spoke this language to the belligerents: The United States have taken every pacific means of obtaining justice from you without success. We will no longer deprive ourselves of commerce; we will open our trade, and we will defend it. We are ready to meet the consequences that may arise, and will stand prepared for war, if war shall ensue. This, Mr. President, appeared to your committee as a course that would be honorable to the nation. It was unanimously rejected by the

committee on the part of the House, who, in turn, proposed that "British ships should be permitted to bring into the United States the produce and manufactures of that nation, but should not be permitted to carry from the United States any of the produce thereof," and the same as to France. This most extraordinary proposition was unanimously rejected by the conferees on the part of the Senate. Strip the proposition, and what language does it speak! That the British merchant may send into your ports his ships and fill your market with British goods, to the great injury of your infant manufactures; he may enter into competition with them and work their destruction. But he must not enter into competition with the merchant in the purchase of a return cargo, nor with the ship owners in the carrying of the produce of the country. No, sir, that was hallowed ground and must not be trodden. The conferees of the two Houses could not agree, and the question now before the Senate is, to adhere to their amendments. For which I shall vote, although the bill will then not be such as I wish it had been. But, sir, it cannot in this stage be amended. I am aware that my vote will be disapproved by many of my friends. But, sir, I trust that time, and a further consideration of the subject, will convince them that my objections to the rejected sections have not been unfounded.

The question being then taken that the Senate adhere to their amendments, it was determined in the affirmative—yeas 17, nays 15, as follows:

YEAS.—Messrs. Anderson, Bayard, Champin Gaillard, German, Gilman, Goodrich, Gregg, Hill house, Horsey, Leib, Lloyd, Parker, Pickering, Smith of Maryland, Sumter, and Whiteside.

NAYS.—Messrs. Bradley, Brent, Campbell, Clay Condit, Crawford, Franklin, Giles, Lambert, Mathewson, Meigs, Pope, Smith of New York, Tall, and Turner.

THURSDAY, March 22.

#### *National Bank.*

Mr. BAYARD, from the committee appointed on the subject the thirteenth instant, reports a bill making provision for the establishment of a National Bank; and the bill was read and passed to a second reading.

[The bill was for a new bank of 30 millions capital, the subscription for shares open to every citizen of the United States or of its Territories, to companies composed of such citizens or body politic incorporated within the United States, to the amount of 1000 shares.]

WEDNESDAY, April 4.

#### *Bank of the United States.*

The PRESIDENT laid before the Senate

April, 1810.]

Bank of the United States.

[SENATE.]

following report of the Secretary of the Treasury, made in pursuance of the resolution of the Senate of the 2d instant :

TREASURY DEPARTMENT, April 8, 1810.

SIR: I have the honor to transmit a report, prepared in obedience to the resolution of the Senate of yesterday.

I have the honor to be, &c.,

ALBERT GALLATIN.

To the honorable the President of the Senate :

The Secretary of the Treasury, in obedience to the resolution of the Senate, of the 2d instant, respectfully reports—

That the statement annexed to the report made to the Senate on the 2d day of March, 1809, contained all the dividends made by the Bank of the United States, from its establishment to the date of the report, as stated to the Treasury by the bank.

That the annexed table, (A,) being a transcript of the above-mentioned statement, with the addition of the dividends made on the 1st day of July, 1809, and on the first day of January last, embraces not only the semi-annual dividends of  $\frac{4}{100}$  per cent, but also all the extra dividends which are within the knowledge of this Department, and which, it is believed, have ever been made by the bank; making, in the whole, an average of 8 13-36 per cent. a year.

That there remained to the credit of the bank, after payment of the dividend made on the first day of January last, a surplus of \$409,410, consisting of two items, viz: \$125,000, designated by the name of "General Bank Estate," intended as an offset against decay and presumed loss, in case of sale of the real estate of the bank—that estate having been paid for from the capital stock, and not from the profits of the bank; and \$284,410, designated by the name of "Contingent Fund," intended in the first place to cover losses arising from bad debts, not yet actually lost; and the residue of which, if any, will be applicable to another extra dividend.

That the nominal profit resulting to the bank, from each of its offices of discount and deposit, could not be ascertained without an investigation of all the weekly returns made to this Department; and that there are no returns from which the actual loss sustained by each office can be known.

But, that the statement (B) shows the permanent capital given to each office of discount and deposit; the balance due in account current by the offices of the bank, (exclusive and in addition to the said permanent capital,) on the 27th day of March last; the amount of the notes actually discounted and due to the bank by the last returns, specifying the amount discounted at Philadelphia, and at each office respectively; and an estimate of the gross amount of the annual expenses and losses of the bank, including its several offices, by which it appears that the annual expenses, being about \$125,000 a year, the ascertained losses must in the whole have amounted to about \$35,000 a year.

All which is respectfully submitted.

ALBERT GALLATIN.

Dividends on United States Bank Stock.

No.	Date.	Rate p. ct.	No.	Date.	Rate p. ct.
1	July, 1792	$\frac{4}{100}$	19	July, 1801	$\frac{4}{100}$
2	January, 1798	$\frac{4}{100}$	20	January, 1802	$\frac{4}{100} \dagger$
3	July, " "	$8\frac{1}{2}\%$	21	July, " "	$\frac{4}{100} \dagger$
4	January, 1794	$8\frac{1}{2}\%$	22	January, 1803	$\frac{4}{100} \dagger$
5	July, " "	$\frac{4}{100}$	23	July, " "	$\frac{4}{100}$
6	January, 1795	$\frac{4}{100}$	24	January, 1804	$\frac{4}{100} \dagger$
7	July, " "	$\frac{4}{100}$	25	July, " "	$\frac{4}{100}$
8	January, 1796	$\frac{4}{100}$	26	January, 1805	$\frac{4}{100}$
9	July, " "	$\frac{4}{100}$	27	July, " "	$\frac{4}{100}$
10	January, 1797	$\frac{4}{100}$	28	January, 1806	$\frac{4}{100}$
11	July, " "	$\frac{4}{100}$	29	July, " "	$\frac{4}{100}$
12	January, 1798	$5 \dagger$	30	January, 1807	$6 \dagger$
13	July, " "	$\frac{4}{100}$	31	July, " "	$\frac{4}{100}$
14	January, 1799	$\frac{4}{100}$	32	January, 1808	$\frac{4}{100}$
15	July, " "	$\frac{4}{100}$	33	July, " "	$\frac{4}{100}$
16	January, 1800	$\frac{4}{100}$	34	January, 1809	$\frac{4}{100}$
17	July, " "	$\frac{4}{100}$	35	July, " "	$\frac{4}{100}$
18	January, 1801	$6 \dagger$	36	January, 1810	$\frac{4}{100}$

\* Dividends falling short of the rate of 8 per cent. per annum.

† Including extra dividends.

Statement of the capital of the several branches, and of the Bank of the United States, and of the amount of discounts by the last received returns.

Cities, &c.	Capital	Amt. of notes discounted
Boston . . .	\$700,000	\$998,859
New York . . .	1,800,000	4,175,874
Baltimore . . .	600,000	1,849,550
Washington . . .	200,000	485,285
Norfolk . . .	600,000	880,170
Charleston . . .	600,000	1,409,916
Savannah . . .	500,000	1,054,118
New Orleans . .	300,000	611,517
Philadelphia—		
Balance due the bank, in account current, by the offices \$750,000		
Cap. rec'd 8,950,000		
	4,700,000	
	\$10,000,000	
Funded debt . .	—	1,411,620
		\$16,949,497

Estimate of the expenses and losses of the Bank.

Six per cent. on \$17,000,000, estimated as per above, as the amount usually loaned on interest, is, per annum, \$1,020,000—to wit:

Dividend of 8 13-36 per cent. a year, on ten millions of dollars actually paid to the stockholders, is, per annum \$836,111

Undivided surplus on the 1st January, 1810, \$409,410, divided by 18 years, would be equal to an annual dividend of 22,745

Leaving for the estimated annual amount of expenses and losses 161,144

Total . . . . . \$1,020,000

TUESDAY, April 10.

*The Mississippi River Pirate, Mason.*

Mr. CLAY presented the petition of Elisha Winters, stating that, in the years 1801, 1802, and 1803, the wilderness from Natchez to Kentucky, and the river Mississippi, was infested by a notorious gang of highway robbers, headed by a certain Samuel Mason, and that the petitioner was the means by which the said Mason was killed, two of his accomplices apprehended and executed, and the remainder of the banditti dispersed, and praying he may be allowed the reward offered for the apprehension of the said Mason by the President of the United States, or by the then Governor of the Mississippi Territory; and the petition was read, and referred to a select committee, to consider and report thereon; and Messrs. CLAY, WHITESIDE, and CRAWFORD, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill for the establishment of a Quarter-master's department; and it was agreed that the further consideration thereof be postponed until to-morrow.

TUESDAY, April 17.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tem.*, as the constitution provides; and the Hon. JOHN GAILLARD was elected.

*Ordered*, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the VICE PRESIDENT, elected the Hon. John GAILLARD, President of the Senate *pro tempore*.

*Ordered*, That the Secretary make a like communication to the House of Representatives.

WEDNESDAY, April 18.

*National Bank.*

The Senate resumed, as in Committee of the Whole, the bill making provision for the establishment of a National Bank.

On motion, by Mr. HILLHOUSE, to strike out the first section of the bill, the Senate was equally divided—yeas 15, nays 15, as follows:

YEAS.—Messrs. Brent, Champlin, German, Gilman, Goodrich, Hillhouse, Horsey, Lloyd, Meigs, Pickering, Pope, Reed, Smith of New York, Tait, and Whiteside.

NAYS.—Messrs. Anderson, Bayard, Bradley, Clay, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Lambert, Leib, Smith of Maryland, Sumter, and Turner.

So the question was lost.

FRIDAY, April 20.

*Territory of Orleans.*

The Senate resumed, as in Committee of the Whole, the bill to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of

such State into the Union on an equal footing with the original States, and for other purposes; and on motion, by Mr. CLAY, to amend the bill, by adding at the end of the third section the following words:

"*Provided further*, That the said convention shall, by an article in the constitution so to be formed, irrevocable without the consent of the United States, provide, that, after the admission into the Union of the said Territory of Orleans as a State, the laws which such State may pass shall be promulgated, and its records of every description shall be preserved, and its written, judicial, and legislative proceedings conducted, in the language in which the laws and the written, judicial, and legislative proceedings of the United States are now published and conducted."

It was determined in the affirmative—yeas 17, nays 12, as follows:

YEAS.—Messrs. Bayard, Campbell, Champlin, Clay, Giles, Gilman, Goodrich, Horsey, Lambert, Leib, Lloyd, Meigs, Pickering, Pope, Smith of Maryland, Smith of New York, and Turner.

NAYS.—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, German, Gregg, Hillhouse, Reed, Sumter, and Whiteside.

WEDNESDAY, April 25.

*National Bank.*

The Senate resumed, as in Committee of the Whole, the bill making provision for the establishment of a National Bank. And on motion, by Mr. BAYARD, that the further consideration thereof be postponed until the first Monday in December next, it was determined in the affirmative—yeas 17, nays 14, as follows:

YEAS.—Messrs. Bayard, Bradley, Brent, Champlin, Crawford, German, Gilman, Goodrich, Hillhouse, Horsey, Lloyd, Pickering, Pope, Reed, Smith of New York, Sumter, and Turner.

NAYS.—Messrs. Anderson, Clay, Condit, Franklin, Gaillard, Giles, Gregg, Lambert, Leib, Mathewson, Meigs, Robinson, Smith of Maryland, and Whiteside.

THURSDAY, April 26.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes;" and having agreed to the amendments reported by the select committee, the PRESIDENT reported it to the House accordingly; and on the question, Shall this bill be read the third time, as amended? it was determined in the affirmative.

Mr. GILMAN, from the committee, reported the bill allowing compensation to Robert Robinson correctly engrossed; and the bill was read the third time; and the blank having been filled with the words *five hundred*—

*Resolved*, That this bill pass, and that the title thereof be "An act allowing compensation to Robert Robinson."

The Senate resumed the motion made yesterday on the subject, which was amended and agreed to, as follows:

APRIL, 1810.]

*Barred Claims.*

[SENATE.]

*Resolved*, That the Secretary of the Treasury be directed to lay before the Senate a statement of all claims which have been adjusted and allowed at the Treasury Department, in virtue of the law entitled "An act providing for the settlement of the claims of persons, under particular circumstances, barred by the limitations heretofore established;" and also, a statement of the balances standing in the books of the Treasury against the United States, which are barred by the statute of limitations, together with his opinion whether the said statute can be modified or repealed, as to that or any other description of claims, without subjecting the Government to imposition.

Mr. CLAY gave notice that to-morrow he should ask leave to bring in a bill, supplementary to an act, entitled "An act for the punishment of certain crimes against the United States."

The bill entitled "An act authorizing a loan of money, for a sum not exceeding the amount of the principal of the public debt reimbursable during the year one thousand eight hundred and ten," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon, and Messrs. SMITH of Maryland, CRAWFORD, LLOYD, FRANKLIN, and HILLHOUSE, were appointed the committee.

#### *Territory of Orleans.*

The Senate resumed, as in Committee of the Whole, the bill to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes; together with the amendments reported thereto by the select committee. On motion, by Mr. HILLHOUSE, to add, at the end of the bill, the following words:

"*Provided*, That the several States shall assent thereto, or an amendment to the Constitution of the United States shall authorize Congress to admit said Territory of Orleans into the Union, on the footing of the original States:"

It was determined in the negative—yeas 8, nays 20, as follows:

YEAS.—Messrs. Champlin, German, Goodrich, Hillhouse, Horsey, Lloyd, Pickering, and Reed.

NAYS.—Messrs. Anderson, Brent, Clay, Condit, Crawford, Franklin, Gaillard, Giles, Gilman, Gregg, Lambert, Leib, Mathewson, Meigs, Pope, Smith of Maryland, Sumter, Tait, Turner, and Whiteside.

And the report of the select committee having been agreed to, and the bill further amended, the President reported it to the House accordingly. On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 18, nays 9, as follows:

YEAS.—Messrs. Anderson, Brent, Clay, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Lambert, Lloyd, Mathewson, Meigs, Smith of Maryland, Sumter, Tait, Turner, and Whiteside.

NAYS.—Messrs. Champlin, German, Gilman, Goodrich, Hillhouse, Horsey, Leib, Pickering, and Reed.

MONDAY, April 30.

#### *Barred Claims.*

The PRESIDENT communicated the report of the Secretary for the Department of the Treasury, made in pursuance of the resolution of the Senate of the 26th instant, on the subject of claims barred by the statute of limitations; and the report was read, as follows:

TREASURY DEPARTMENT, April 28, 1810.

SIR: I have the honor to transmit a report prepared in obedience to the resolution of the Senate, of the twenty-six instant. I have the honor to be, &c.,  
ALBERT GALLATIN.

*To the Honorable the President of the Senate:*

The Secretary of the Treasury, in obedience to the resolution of the Senate, of the 26th instant, respectfully reports—

That it appears, by the letter from the Register of the Treasury, herewith transmitted, that the statement of all the claims adjusted and allowed, by virtue of the act, entitled "An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established," cannot be completed before the day contemplated for the adjournment of Congress, but will be prepared so as to be laid before the Senate at the commencement of their next session.

That the statement (A) herewith transmitted, exhibits the amount of the balances standing on the books of the Treasury against the United States, which are barred by the statutes of limitation, and arranged under the following heads, viz:

Loan Office certificates	-	\$90,811 36
Indents for interest on the public debt	-	64,590 98
Final settlement certificates	-	23,873 24
Commissioners' certificates	-	4,304 88
Army commissioners' do.	-	46,468 97
Credits given in lieu of army commissioners' certificates cancelled	-	28,674 30
Credits for pay of the army, for which no certificates were ever issued	-	17,182 11
Invalid pensions	-	16,685 46

Amounting together to - - 292,491 25

That so far as relates to the said balances, which result altogether from accounts actually settled at the Treasury, the statute of limitation can be repealed without subjecting the Government to imposition; but that considering the length of time which has elapsed since the claims have been barred, and the little value on that account affixed to them, the repeal of the statute, unless properly guarded in that respect, may not generally benefit the rightful claimants.

And that with the exception of those balances, it is not believed that it would be safe to repeal the statute of limitation in relation to any other general description of claims; although there may be special cases in which, notwithstanding the lapse of time, the proper proofs and checks may still exist, so as to prevent any imposition on the public.

All which is respectfully submitted.

ALBERT GALLATIN.

TUESDAY, May 1.

*Barred Claims.*

Mr. HILLHOUSE, from the same committee, further reported as follows:

*Resolved*, That the Secretary for the Department of the Treasury report to the Senate, at their next meeting, the necessary provisions for guarding the Treasury of the United States from fraud and imposition on the removal of the statute of limitations, in relation to the following claims mentioned in his report of the 28th of April, 1810, viz:

1. Loan office certificates.
2. Indents for interest on the public debt.
3. Final settlement certificates.
4. Commissioners' certificates.
5. Army certificates.
6. Credits given in lieu of Army certificates cancelled.
7. Credits for the pay of the Army, for which no certificates were issued.
8. Invalid pension.

Also, how far the statute of limitations may with safety be removed, as to claims for personal services rendered in the Army of the United States, during the Revolutionary war, and the guard and checks necessary and proper to be adopted.

And the report was considered and agreed to.

*Adjournment.*

Mr. CRAWFORD, from the joint committee, reported that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

*Ordered*, That the Secretary notify the House of Representatives that the Senate, having finished the business before them, are about to adjourn.

The Secretary having performed that duty, the President adjourned the Senate without day.

## ELEVENTH CONGRESS.—SECOND SESSION.

## PROCEEDINGS AND DEBATES

11

## THE HOUSE OF REPRESENTATIVES.

MONDAY, November 27, 1809.

This being the day appointed by law for the meeting of Congress, the following members of the House of Representatives appeared, and took their seats, to wit:

*From New Hampshire*—Daniel Blaisdell, and Nathaniel A. Haven.

*From Massachusetts*—Ezekiel Bacon, Richard Cutts, William Ely, Barzillai Gannett, Josiah Quincy, Sam'l Taggart, Charles Turner, jr., Jabez Upham, Joseph B. Varnum, (the Speaker,) and Laban Wheaton.

*From Vermont*—William Chamberlin, Martin Chittenden, Jonathan H. Hubbard, and Samuel Shaw.

*From Rhode Island*—Richard Jackson.

*From Connecticut*—Epaphroditus Champion, Samuel W. Dana, John Davenport, Jonathan O. Mosely, Timothy Pitkin, junior, Lewis B. Sturges, and Benjamin Tallmadge.

*From New York*—James Emott, Jonathan Fisk, Thomas R. Gold, Robert Le Roy Livingston, Peter R. Porter, Erasmus Root, Ebenezer Sage, Thomas Sammons, John Thompson, and Killian K. Van Rensselaer.

*From New Jersey*—Adam Boyd, James Cox, William Helms, Jacob Hufty, Thomas Newbold, and Henry Southard.

*From Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, Aaron Lyle, William Milnor, John Porter, John Rea, Matthias Richards, John Smilie, George Smith, Samuel Smith, and Robert Whitehill.

*From Maryland*—Charles Goldsborough, John Montgomery, Nicholas R. Moore, Roger Nelson, and Archibald Van Horne.

*From Virginia*—Burwell Bassett, James Breckenridge, John CLOPTON, John Dawson, John W. Eppes, Thomas Gholson, junior, Peterson Goodwyn, John G. Jackson, Joseph Lewis, junior, John Love, Thomas Newton, John T. Roane, John Smith, and James Stephenson.

*From North Carolina*—Willis Alston, junior, James Cochran, William Kennedy, Nathaniel Macon, Archibald McBride, Joseph Pearson, Lemuel Sawyer, and Richard Stanford.

*From South Carolina*—Lemuel J. Alston, William Butler, Joseph Calhoun, Robert Marion, Thomas Moore, and John Taylor.

*From Georgia*—Howell Cobb, and George M. Troup.

*From Ohio*—Jeremiah Morrow.

*From Kentucky*—Joseph Desha, Benjamin Howard, Richard M. Johnson, and Samuel McKee.

*From Tennessee*—Pleasant M. Miller, John Rhea, and Robert Weakley.

*From Mississippi Territory*—George Poindexter.

*From Indiana Territory*—Jonathan Jennings.

*From Orleans Territory*—Julien Poydras.

ADAM SETSBERT, returned to serve as a member of this House, for the State of Pennsylvania, in the room of Benjamin Say, resigned, appeared, produced his credentials, was qualified, and took his seat.

JONATHAN JENNINGS, returned to serve as a Delegate from the Territory of Indiana, appeared, produced his credentials, was qualified, and took his seat.

A quorum, consisting of a majority of the whole number, being present, Mr. GOODWYN and Mr. ROOT were appointed a committee on the part of the House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

TUESDAY, November 28.

Several other members, to wit: from New Hampshire, JOHN C. CHAMBERLAIN and JAMES WILSON; from Rhode Island, ELISHA R. POTTER; from Pennsylvania, WILLIAM FINDLAY and DANIEL HEISTER; from Virginia, MATTHEW CLAY and JACOB SWOOPK; and from North Carolina, JOHN STANLEY, appeared, and took their seats in the House.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business. They have appointed a committee on their part, jointly with the committee appointed on the part of this House, to inform the President that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make them.

The SPEAKER laid before the House a certificate of the election of ADAM SETSBERT, to serve

as a member for the State of Pennsylvania, in the room of Benjamin Say, resigned; which was read, and, together with the certificate of the election of JONATHAN JENNINGS, the delegate from the Territory of Indiana, referred to the Committee of Elections.

#### WEDNESDAY, November 29.

Several other members, to wit: from New York, JOHN NICHOLSON; from Maryland, JOHN BROWN; and from Virginia, WALTER JONES, appeared, and took their seats in the House.

#### THURSDAY, November 30.

Several other members, to wit: from New Hampshire, WILLIAM HALE; from Massachusetts, GIDEON GARDNER and EZEKIEL WHITMAN; and from New York, VINCENT MATTHEWS, appeared, and took their seats in the House.

The SPEAKER laid before the House the following letter, which was read:

#### *Respect for the House.*

*To the Speaker of the House of Representatives:*

Sir: An occurrence having recently taken place between a member of the House of Representatives and myself, produced by circumstances not at all connected with his official duties or opinions, which from the time and place may be considered disrespectful to the House of Representatives, I take the liberty of tendering through you my most respectful declarations, that I am the last who would wilfully manifest a deficiency of that reverence which is due to the Representatives of my country, or that sacred regard which is also due to their privileges.

To yourself, sir, personally, I tender the assurances of my very great respect.

I A. COLES.\*

NOVEMBER 29, 1809.

[No order having been taken on it, the letter lies on the table of course.]

#### FRIDAY, December 1.

Two other members, to wit: from Virginia, EDWIN GRAY; and from North Carolina, ME-SHACK FRANKLIN, appeared, and took their seats in the House.

#### *Navigation Laws.*

Mr. MACON said he wished early to call the attention of the House to two motions, the object of which he deemed to be very important. The first of them had been formerly submitted to the House by a gentleman from Georgia, (Mr. EARLY) but never acted on, and afterwards by a gentleman from South Carolina, (Mr. D. R. WILLIAMS;) the other had been presented by Mr. MACON himself at the last session, but at so late a period that it had not been acted on. It appeared to Mr. MACON that these motions combined with one submitted at different times by a gentleman from Connecticut, (Mr. DANA,) would form something like a system. The object of the first motion he was about to submit, was to prohibit any foreign vessel from coming from any port or place to

which the vessels of the United States could not go. Gentlemen would at once observe that there were many places whence vessels came to this country, to which we cannot go, and would perceive the extent of the motion. The other motion related to sea-letter vessels only. Mr. MACON said he wished to put them out of the nation, and to have no vessels belonging to the United States which were not perfectly American. He would have our vessels wholly American, or they should not at all partake of the character of American vessels.

After declaring that he considered his motions as calculated for permanent regulations, Mr. MACON submitted the following resolutions:

*Resolved*, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of prohibiting the entry of any vessel into the United States from any port or place to which a vessel of the United States is not admitted by permanent regulation of the Government owning such port or place by treaty.

*Resolved*, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of authorizing the registering anew of vessels built in the United States, which are owned in whole by citizens of the United States, any disability incurred by such vessel to the contrary notwithstanding; and also into the expediency of forbidding by law sea-letters or any custom-house documents being granted to vessels not registered or licensed according to law, or not owned by citizens of the United States, within a limited time after the passing of such a law.

Mr. NEWTON having seconded these motions, Mr. MACON moved to refer them to the Committee of Commerce and Manufactures.

Mr. DANA observed that these resolutions had in view merely an investigation by the Committee of Commerce and Manufactures into the subject of them. On such a question it was but necessary to ask whether the subject be of itself interesting, and whether or not the proposition bears on the face of it so much of probability and propriety that there could be no objection to it on the score of its being utterly inadmissible. Unless, therefore, the propositions were utterly inadmissible, if they related to a subject interesting to the nation in time of peace as well as of war, if they had a connection with one great branch of national policy, there could be no objection to have them investigated by a committee. Without expressing any opinion on the first proposition, which embraced a variety of important considerations, Mr. D. said that the motions were recommended to the House by their being founded on permanent principles, to which the nation may adhere in every alternative; and in addition to the attention due to them because they were of a permanent character and not merely temporary expedients, they might contribute to some of those measures of temporary policy deemed proper, and without a possibility of thwarting, might perhaps aid any project the Government might adopt. As to the second resolution, that he considered important in another point of view,

\* Col. Isaac A. Coles, private secretary to Mr. Jefferson.



DECEMBER, 1809.]

*Violations of Neutral Rights.*

[H. OF R.]

as tending to encourage American manufactures. If there be any manufacture which requires great precision of science and experimental skill, any one which embraces more of the profound and elevated principles of science, and requires more dexterity in practical execution than any other, it is the constructing of ships. With these ideas, which Mr. Dana said were not applicable to the merits of the proposition, but to the question of reference, he should vote for referring them. He was extremely glad the motions had been brought forward, and particularly that they had been introduced by a gentleman so well qualified to sustain them, by his character and talents.

The motion for referring Mr. MAOON's propositions was carried.

[The following gentlemen compose this committee: Messrs. TALLMADGE, CLAY, BUTLER, REA of Pennsylvania, WEAKLEY, HALE, TURNER.]

7. *Resolved*, That so much of the Message of the President of the United States as relates to the finances of the United States, be referred to the Committee of Ways and Means.

8. *Resolved*, That so much of the Message of the President of the United States as relates to the fortifications of the ports and harbors of the United States, be referred to a select committee.

[This committee is composed of the following gentlemen: Messrs. CLOPTON, JOHN PORTER, EMMETT, McKIM, GARDNER, McBRIDE, and WITHERSPOON.]

#### MONDAY, December 4.

Several other members to wit: from Maryland, ALEXANDER McKIM; from North Carolina, THOMAS KENAN; from South Carolina, ROBERT WITHERSPOON; from Kentucky, HENRY CRIST; and from Georgia, WILLIAM W. BIZZ, appeared, and took their seats in the House.

#### *Committee of Manufactures.*

Mr. SAWYER asked leave to lay upon the table the following resolution, of a nature similar to one which he had proposed at the last session, which, from the shortness of the session, he presumed, rather than from any unfriendly disposition, never had been acted on:

*Resolved*, That a standing committee be appointed, to be called the Committee of Manufactures, whose duty it shall be to take into consideration all such petitions, matters, and things, touching manufactures, as shall be presented, or shall or may come in question and be referred to them by the House, and to report, from time to time, their opinion thereon.

Mr. S. said it was certainly too much to expect any one committee to do justice to two such important subjects, becoming daily more so, as those of commerce and manufactures. He wished to have employed on the subject of manufactures the undivided energies of the best talents of the House; he hoped that all the rays of patriotism and genius in the House would be directed to this subject as to a focal point at which they should all converge. How could one

committee properly attend to the mass of business before the Committee of Commerce and Manufactures? The subject confided to them could not be acted on, and yet important matters were continually dropping into this gulf of oblivion. This committee, however, did all that could be expected of them; he did not believe that any member of it was hostile to manufactures; he could answer for the chairman, (Mr. NEWTON,) whom he knew to be friendly to manufactures, both from precept and example. It was because it was impossible for the committee to attend to all the business before it, that he offered the resolution.

Mr. S.'s motion lies on the table one day, of course, according to the rules of the House.

#### *Violations of Neutral Rights.*

Mr. TROUP begged leave to submit to the consideration of the House several resolutions, which had for their object the vindication of the commercial rights of the United States against the belligerent nations of Europe. He submitted them at this time with less reluctance, because the introduction of them was in no wise inconsistent with the most friendly negotiation which might be pending with foreign Governments. It is high time, said Mr. T., in my opinion, that these commercial rights were either vindicated or abandoned. The remnant of commerce, which the joint operation of the belligerent decrees has left to us, is scarcely worth carrying on. To designate what this little is, would be no difficult matter, but it would be superfluous; every one who hears me understands it.

But, it would be well to inquire, on what principle the belligerents pretend to justify these commercial restrictions? The avowed principle is retaliation, but is it the true principle? Unquestionably not. And why? Because it is equally asserted by both belligerents. Both cannot be retaliators; one must be the aggressor, the other the retaliator. If this principle, then, be equally urged by both, who is to judge between them? If the alleged principle of retaliation be not the true one, what is? As respects France, the true principle of her decrees is to be sought in the policy of embarrassing England by excluding from the continent British merchandise; and as to Great Britain, the principle of her Orders in Council may be found in the consideration of her interest and her power. She avowedly contends that it is her interest to engross the commerce of the world; that she has the power to engross it, and, therefore, she will engross it.

But, what are the principles more specifically asserted by Great Britain? First, the right of blockade by proclamation; second, the right to turn your vessels into her ports to pay duty and take out a license. This right of blockading by proclamation is not a right growing out of a state of war; it is no belligerent right; it is a pretension, as applicable to a state of peace as to a state of war, and if we submit to it in a

state of war, we must submit to it in a state of peace. The only principle of blockade which we recognize is that which gives to belligerents a right to turn from ports so closely invested as to make the entry of them dangerous, and after due warning, vessels bound to them. But the right asserted by Great Britain to blockade by a piece of parchment or paper, issued from her Council Chamber, a port or ports, a kingdom or kingdoms, a continent or continents, is a right no more relative to a state of war than to a state of peace; and, if we submit to the pretension in a state of war, we must equally submit to it in a state of peace. It is founded on the most arbitrary tyranny, it goes to the annihilation of your commerce. As to the other right, of forcing our vessels into her ports, to pay duty and take out license, this is equally applicable to a state of peace as to a state of war. We acknowledge the right of Great Britain, or any other nation, to shut her ports against us, provided there be no treaty stipulation to the contrary. But the right of Great Britain or of France to shut the ports of any other nation against us is a right no more appertaining to a belligerent than to a neutral. If we submit to it in war, we must equally submit in peace; and this right, like the other, is founded in the most arbitrary tyranny. What right has Britain to tyrannize on the ocean, and prescribe limits to our trade? She will not permit to us a trade which she cannot herself enjoy; she prohibits to us a trade which our Government permits, because it is her interest to monopolize it. It is equally our interest to monopolize, and, therefore, if you please, sir, we will prohibit the trade which her Government permits, and which it is our interest to monopolize.

If Great Britain can rightly prohibit our trade, because it is her interest to prohibit it, have we not the right to prohibit her trade for the same reason? If she, with right and justice, can stop and seize, and confiscate our vessels because they attempt a trade which she forbids, and only because she forbids it, cannot our Government do the same in relation to her trade? If she can turn our vessels into her ports to pay duty and take out license, what prohibits us from doing the same as to her vessels? England is a nation, so are we. England is independent, so are we. What prohibits us from doing to England what England does to us? Unquestionably nothing. To say that we have no right to do to England what England does to us, is to acknowledge our own inferiority; it is to acknowledge that she may demand without limitation, and that we are under obligation to submit without limitation.

I am aware that it may be objected to the resolutions that the adoption of them would lead to hostility: but the same objection is equally applicable to any resolution which would go to the vindication of our commercial rights. They ought not to lead to hostility; they are merely retaliatory. They follow the

spirit of the British Orders in Council and French decrees, and therefore cannot be complained of by either power. There is a great and profitable commerce, and rapidly increasing, passing not indeed before our doors, but near enough to make the capture of vessels engaged in it convenient to us, which the resolutions have chiefly in view. I allude to the Brazil and Spanish Main trade.

Is it not matter of surprise that a commerce so profitable, so extensive, and so convenient, should have been permitted to a Government which permits no commerce to us but what her convenience and her interest suggest? Is it not strange that we should have suffered that Government to participate in a commerce which both our interest and our convenience stimulate us to engross? But, above all, is it not inexplicable that we should passively have suffered the monopoly of it by her, when we ourselves were willing and able to engross it? The House will perceive, on the face of the resolutions, that, as they regard France, they are equivalent to a war measure—neither by a war measure, nor by that which I have the honor to submit, can we come in contact with France; she has no commerce on the ocean. In relation to England it is short, infinitely short, of war; because by war her Continental Colonies would fall; her West India Islands would be distressed, and our privateers would cut up her commerce; but the resolutions propose merely to retort the evils of her own injustice, to do to her what, and no more than what, she has done to us. Reserving for another occasion any further remarks, I beg leave to read the resolutions to the House.

Mr. T. then read the following resolutions:

*Resolved*, That it is expedient to authorize the President by law to instruct the commanders of the armed vessels of the United States to stop and bring into the ports of the same all ships or vessels with their cargoes, the property of the subjects of the King of Great Britain and of the Emperor of France, bound to ports other than those within the dominions or colonies of either.

*Resolved*, That it is expedient further to authorize by law the detention of all ships or vessels, with their cargoes, the property of the subjects of the King of Great Britain, until the duties to be regulated and ascertained by law shall be first levied and collected upon the goods and merchandises whereof the said ships or vessels shall be laden, and until the said ships or vessels shall have received due license to depart.

*Resolved*, That it is expedient further to authorize by law the detention of all ships or vessels, with their cargoes, the property of the subjects of the Emperor of France, brought within the ports of the United States, there to abide the final decision or order of the Government in relation to the same.

*Resolved*, That an ad valorem duty of — be levied and collected on all the goods, wares, or merchandises, of British product or manufacture.

*Resolved*, That it is expedient further to authorize the President, on payment of the duties authorised to be levied and collected on the goods laden on board vessels the property of the subjects of the King of

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*Batture at New Orleans.*

[H. OF R.]

Great Britain, forthwith to grant a license to such vessels to depart and to proceed to the port of original destination without further hindrance or molestation.

The House having agreed to consider these resolutions—

On motion of Mr. TROUP, they were ordered to lie on the table, as he stated, to give every member the same time to consider them as he had himself taken.

## TUESDAY, December 5.

Two other members, to wit, from Maryland, JOHN CAMPBELL; and from Georgia, DENNIS SMELT, appeared, and took their seats in the House.

## TUESDAY, December 7.

Another member, to wit, from New York, URI TRACY, appeared, and took his seat in the House.

*Challenges, Duels, &c.*

Mr. BACON said he held in his hands three propositions which deemed it his duty to submit to the House. They were not for the regulation of the great concerns with foreign nations, but for the necessary object of regulating themselves. It would be seen that these resolutions had not grown out of any personal considerations, nor out of any particular case, but out of the serious evils to which the House had been exposed by the want of such regulations from the commencement of the Government. In 1796, the evil had risen to such a height that the House had unequivocally expressed its opinion on it.\* Mr. B. said he felt it his duty to express his sense on the subject by laying the resolutions on the table, and more particularly as he understood that the subject was now agitated in the committee appointed to draught rules and orders for the government of the House. He would merely remark that the resolutions might not be correct in form, or they might be altogether erroneous in principle. He was not anxious as to the particular form; but he was decidedly in favor of the general object, and wished to take the sense of the House upon it. For himself he was well prepared to act on them; but for the convenience of others he wished them to lie on the table.

*Resolved*, That the committee appointed to report on the rules and orders for the government of the House, do report a rule declaring, "That if any member, in the course of debate, shall make use of opprobrious or vilifying language with respect to any member, or call into question the integrity of his motives, or those of either branch of the Government in relation to the discharge of his official duties, except on a motion for impeachment, or for other interposition of the constitutional powers of this House—or

apply to either indecorous or reproachful expressions—it shall be deemed a breach of the orders of the House."

That said committee be instructed further to report a rule declaring, "That if any member, during the session of Congress, whether of the House or not, shall give or send to any other member during his actual attendance at the seat of Government, a challenge to fight a duel, or if the member so challenged shall accept the same, it shall be deemed a breach of the privileges of the House, as well on the part of such members as on that of any other person whether a member or not, who shall be aiding, abetting, or assisting in giving or sending such challenge, or in carrying the same into effect, and every such member shall be held liable to be expelled from the House therefor."

That said committee be further instructed to report a rule declaring, "That if any person, during the session of Congress, whether a member of the House or not, shall commit personal violence or assault upon any member during his actual attendance at the seat of Government, it shall be deemed a breach of the privileges of the House, as well on the part of the person so assaulting, as on that of any other person who shall be aiding, abetting, or assisting therein, and such person, if a member, shall be held liable to be punished therefor, at the discretion of the House."

Ordered to lie on the table.

## FRIDAY, December 8.

Two other members, to wit: from Maryland, PHILIP B. KEY, and from Virginia, DANIEL SHEFFREY, appeared, and took their seats in the House.

## MONDAY, December 11.

Several other members, to wit: from Massachusetts, WILLIAM STEDMAN and EDWARD ST. LOE LIVERMORE; from New York, BARENT GARDENIER; and from Pennsylvania, JOHN ROSS, appeared, and took their seats in the House.

The SPEAKER laid before the House a letter from WILSON O. NICHOLAS, resigning his seat as one of the members of the House, for the State of Virginia. The letter was read, and ordered to lie on the table.

*Batture at New Orleans.*

A motion was made by Mr. SHEFFREY, that the House do come to the following resolutions:

*Resolved*, That provision ought to be made by law to authorize the President of the United States to cause the several persons who were removed from the batture, in front of the suburb St. Mary, in the city of New Orleans, on the 25th January, 1808, to be restored to the possession thereof; to be held with the same right with which they respectively held the same, prior to such removal; any thing to the contrary notwithstanding.

*Resolved*, That it is expedient to authorize the President of the United States, if he shall be of opinion that the United States have such a claim to the batture, in front of the suburb of St. Mary, in the city of New Orleans, as will justify the expense of prosecuting the

\* By concurrence in the report of a committee, of which Mr. Madison was chairman, on the subject of a letter from Mr. Gunn to Mr. Baldwin, both members of Congress; as well as on the case of Mr. Frelinghaysen.

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*British Minister.*

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same, with the assent of the persons removed therefrom, on the 25th January, 1808, to name three persons, who shall have full power to hear, and finally determine, all right, title, claim, and demand, whatsoever, as well of the United States as the persons so removed, both in law and equity; and their decision, or a majority of them, shall be binding, as well on the United States as the said parties.

*Resolved*, That it is expedient to authorize the President of the United States, if he shall deem it most proper, to compromise the conflicting claims of the United States and the persons removed from the batture of the suburb of St. Mary, in the city of New Orleans, or cause the same to be tried in a court of the United States, in such a manner, and at such place, as will secure an impartial trial.

The said resolutions were read, and ordered to lie on the table.

*British Minister—Mr. Jackson's Circular.*

Mr. QUINCY observed that he perceived that in the letter from Mr. Smith to Mr. Pinkney accompanying the Message from the President of the United States of the 29th November, 1809, an allusion was made to an important paper headed "Circular," which had not been communicated to Congress. He perceived, also, that by the resolution just received from the Senate, a specific declaration was required as to the contents of that very paper. It appeared to him extremely proper that the House should have that paper on its files, and within the reach of its members, before a declaration was made respecting it. Under this impression he offered the following resolution:

*Resolved*, That the President of the United States be requested to lay before the House a copy of a paper purporting to be a circular letter from Mr. Jackson to the British Consuls in the United States, referred to in the letter of the Secretary of State to Mr. Pinkney, accompanying the Message of the 29th November.

Mr. DANA observed that there was another document which it might be of some importance to have on the file of the House, and which it might be also necessary to consult—that was, the despatch from Mr. Canning, which it appeared was sent by Mr. Pinkney to the Secretary of State. He moved to add that paper to the resolution.

Mr. QUINCY accepted the amendment as a part of his resolution.

Mr. ERRAS asked for a division of the question. He said he was willing to call for any paper which was, or might be presumed to be in possession of the Department of State; but it could not be presumed that the circular of Mr. Jackson was in that office in any other form than that referred to in Mr. Smith's letter, viz: in a printed form. Certain it was that it could not be in the Department of State, because it was dated subsequently to the intimation that no further communication would be received from that source by the Secretary of State. The only reason, he presumed, why the other paper alluded to had not been communicated to Congress, was, that it was a printed

paper, purporting to be a despatch from Mr. Canning. He had no further objection to the call for either of these papers, other than it was neither decorous nor proper to call upon the President for that which could not be officially in his possession.

Mr. GARDENIER observed that, in addition to other forcible considerations, it would be treating the Executive rudely, when he had called their attention to a particular paper, to go to any other source to procure it; besides that, in the latter case, a spurious copy might be imposed upon the House. If the President referred to a certain document as justifying his conduct, by procuring that document the House would have the whole ground before it. What would be the situation of the House, if, pursuing the ideas of some gentlemen, every member was to bring forward a document which he believed to be the legitimate one, and all these copies should differ? Who was to decide which was the correct one? If the House were to act at all on this subject, it was not only respectful and just to the President, but extremely civil, to inquire of him on what ground he has acted. As a true American, and staunch republican, Mr. G. was desirous to give the President every opportunity of doing himself justice.

Mr. QUINCY said that a copy of this circular having been forwarded to our Minister in England, a copy must remain on the files of the Secretary of State's office; and, therefore, he asked for it merely that the House might have on this occasion precisely that information which the Secretary of State had communicated to Mr. Pinkney.

The question was taken on the first part of the resolution, viz: on that part moved by Mr. QUINCY, and finally carried—yeas 53, nays 52.

The question was then taken on Mr. DANA's amendment, viz: on that part calling for a copy of the paper purporting to be a despatch from Mr. Canning to Mr. Erskine, and carried without opposition.

Mr. WHITMAN offered an amendment understood to be intended to embrace in the papers to be called for, the note from Mr. Erskine to Mr. Smith containing the "three conditions" which are admitted in Mr. Smith's letter of October 19, to have been submitted to him by Mr. Erskine.

On the suggestion of Mr. QUINCY, this motion was declared to be out of order, as it was now too late to receive an amendment to the resolution, both clauses of it having been affirmed by the House.

The question was then put on the whole resolution, as amended, and the yeas and nays being demanded on its passage,

Mr. RHEA said he should vote against the resolution, as by passing it the House could add nothing to its stock of information, nor receive any official document; in both cases it could receive only a printed paper.

The question was then decided by yeas and nays, in the affirmative—yeas 69, nays 46.

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Mr. QUINCY and Mr. DANA were appointed a committee to present the foregoing resolution to the President of the United States.

TUESDAY, December 12.

Another member, to wit, from Massachusetts, BENNEZER SEAYER, appeared, and took his seat.

*Committee of Manufactures.*

Mr. SAWYER called for the consideration of the motion submitted by him for appointing a separate Committee of Manufactures.

The House agreed to consider the resolution, yeas 68.

Mr. SEYBERT supported the motion on the ground of the propriety of paying a more particular attention to the subject of manufactures, which had lately become of great importance.

Mr. NEWTON opposed the motion as unnecessary, because the Committee of Commerce and Manufactures was competent to the performance of all the business assigned it, and had always manifested a disposition to foster the manufactures of the United States.

The question on the resolution was decided in the negative, 24 members only rising in the affirmative.

FRIDAY, December 15.

*Mr. Jackson's Circular.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the House of Representatives of the United States:*

According to the request of the House of Representatives, expressed in their resolution of the 11th instant, I now lay before them a printed "copy of a paper purporting to be a circular letter from Mr. Jackson to the British Consuls in the United States," as received in a gazette at the Department of State; and also a printed paper, received in a letter from our Minister in London, purporting to be a copy of a despatch from Mr. Canning to Mr. Erskine, of the 23d of January last. JAMES MADISON.

DECEMBER 12, 1809.

[The first paper enclosed was the "Independent American" of November 21, containing a copy of the "Circular." The second was a piece cut out of a London newspaper.]

The circular is as follows:

WASHINGTON, November 18, 1809.

(Circular.)

SIR: I have to inform you, with much regret, that the facts which it has been my duty to state in my official correspondence with Mr. Smith, have been deemed by the President of the United States to afford a sufficient motive for breaking off an important negotiation, and for putting an end to all communication whatever with me as the Minister charged with that negotiation, so interesting to both nations, and on one most material point of which an answer has not even been returned to an official and written overture. One of the facts alluded to has been admitted by the Secretary of State himself, in his letter to me of the 19th October, viz: that the three conditions forming the substance of Mr. Erskine's original in-

structions were submitted to him by that gentleman; the other, viz: that that instruction is the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to me by the instructions which I have myself received. In stating these facts, and in adhering to them, as my duty imperiously enjoined me to do, in order to repel the frequent charges of ill faith which have been made against His Majesty's Government, I could not imagine that offence would be taken at it by the American Government, as most certainly none could be intended on my part; and this view of the subject has been made known to Mr. Smith. But, as I am informed by him, that no further communication will be received from me, I conceive that I have no alternative left, which is consistent with the King's dignity, but to withdraw altogether from this city, and to wait elsewhere the arrival of His Majesty's commands upon the unlooked-for turn which has thus been given to his affairs in this country. I mean in the interval to make New York the place of my residence, where you will henceforward please to direct your communications to me, as I shall be accompanied by every member of His Majesty's mission. I am, &c. F. J. JACKSON.

On motion of Mr. QUINCY, these papers were ordered to be printed—for the motion 59, against it 40.

MONDAY, December 18.

Another member, to wit, from New York, HERMAN KNICKERBOCKER, appeared, and took his seat in the House.

THURSDAY, December 21.

*Conduct of the British Minister.*

The House again went into Committee of the Whole on the resolution from the Senate.

Mr. EMOTT concluded his speech against it, as given entire in preceding pages.

Mr. GHOLSON said, that notwithstanding much had already been said on the subject before the committee, he hoped he should be pardoned for occupying a small portion of their attention. The resolution before us seems to embrace several objects pre-eminently entitled to the dispassionate consideration of Congress; objects altogether unconnected with those factions and political dissensions which have unhappily too long prevailed among brethren of the same common family, and which may one day prove fatal to political liberty. The first question which presents itself in the investigation of this subject, involves on the one hand the veracity and dignity of the American Government, and, on the other, the character and reputation of a British Envoy, and, in some degree, of the British Ministry.

In my remarks on this subject, I consider it regular to commence with the origin of the mission from Great Britain to the United States, out of which has arisen the present unpropitious posture of the affairs between the two countries. What, sir, were the circumstances under which that mission was despatched here? In the

month of May last, it was known to the British Ministry that a commercial arrangement had been made by their Envoy resident here, (Mr. Erskine,) with the American Government, but under the allegation that it was made contrary to instructions, it was no sooner known than it, and the Minister making it, were disavowed. Mr. Jackson was then appointed to substitute Mr. Erskine, the disavowed agent, and at the time he (Mr. Jackson) was sent to this country, it was well known by the British Ministry that the Government of the United States stood solemnly pledged to the American people to maintain, and that they had inviolably and steadily adhered, to certain points and principles in our differences with England, a surrender of, or departure from which, would be a sacrifice of the honor and best interests of this nation.

Yes, sir, when they well knew that, in the affair of the Chesapeake, our Executive would not, and the voice of almost the whole nation had pronounced that he ought not to make the first advance to a reconciliation, Mr. Jackson was charged, not only to require the first advance from us, to wit: that in the document which should contain the adjustment of that affair, the revocation of the President's proclamation of 1807, interdicting the British armed ships from our own water, should be recited as an indispensable preliminary; but to require from us also the violation of the principles of our naturalization laws, by insisting on the surrender of foreigners who had become naturalized. As to the Orders in Council, we know not what specific propositions he was charged with in relation to them. As far as we are able to deduce any thing from facts before us, it must be understood that the British Government had determined to accept of no conditions for the repeal of the Orders in Council except such as had been previously declared on the part of the American Government to be inadmissible. Notwithstanding what has been said by the gentleman from New York, (Mr. EMOTT,) I think it is easily to be demonstrated that the British Government did not intend to make any arrangement different from that contemplated by the celebrated instructions of the twenty-third of January, transmitted to Mr. Erskine. If the British Government, so recently as May last, disavowed an arrangement, and recalled its Minister, under an allegation that he violated his instructions, was it to be supposed that they would, in two or three months, so far change their policy as to authorize an arrangement on the same principles that they had just rejected? Certainly not, sir. It is evident that such an accommodation could not have been designed, because Mr. Canning says that such measures must be adopted as should secure the objects of the Orders in Council. That they did not by this mean the mere continuance of the non-intercourse law as to France, is manifest; for Mr. Canning says to Mr. Pinkney, that a repeal as to Great Britain, would be a repeal as to the

whole world, unless the British Navy were to be permitted to enforce the law interdicting intercourse with France by the seizure of such vessels as should be found violating it.

These, sir, were the circumstances under which the mission commenced. What were those that characterized its progress and termination? I think it very easy to show that the conduct of the Minister himself, after he arrived, partook strictly of the same character as the conduct of the Ministry who sent him. I think I have shown that the disposition manifested by the Ministry in sending him here was insulting to this country. Let us next inquire into the character disclosed, and the conduct displayed by that Minister after his arrival. And, in this inquiry, without wading through all the documents, which gentlemen can as well understand by perusing them in their chambers as by hearing them read here, I will merely advert to the offensive expressions used by Mr. Jackson, and to the manner in which those expressions were met by the Secretary of State. By doing this, it will be very discernible, not only that the facts stated in the resolution are sustained by the correspondence, but that the resolution does not go so far as facts would warrant. In Mr. Jackson's letter of the 11th of October, he says, that the arrangement with Mr. Erskine was made under such circumstances as could only lead to a disavowal. If the circumstances were such as could only lead to a disavowal, they must have been dishonorable, and Mr. Jackson, by intimating that our Government had a knowledge of these circumstances, charges it with being *particeps criminis*. Can any thing be more palpable than this? He expresses this idea in still stronger terms when he intimates that Mr. Smith had a principal agency in the misconduct on this occasion. It certainly was not in Mr. Smith's power to substitute conditions for those which he declined accepting, but it must have been done by Mr. Erskine. But, notwithstanding this, he charges Mr. Smith, not only with conniving at a conduct improper in itself, because it could only lead to rejection of the arrangement growing out of it, but insinuates that he was the principal actor in the scene. In Mr. Smith's letter in answer to Mr. Jackson, the animadversions are too clear in their object to be mistaken. Mr. J. is informed of the displeasure of the American Government at such insinuations; and, in the very first letter which was written by the Secretary of State, he disclaims pointedly having had any knowledge whatever of the deficiency of Mr. Erskine's instructions at the time of making the arrangement. And what says Mr. Jackson in reply? He says again, that Mr. Erskine's instructions were known to Mr. Smith. Sir, I acknowledge very candidly, that on a superficial perusal of the correspondence, the charge of falsehood, from the art and adroitness with which it is wrapt up, does not appear so palpable as when it is more closely examined. Yet, sir, notwithstanding all knowledge of the instructions had

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been denied by Mr. Smith, Mr. Jackson reiterates the assertion that they were known. Do gentlemen say that there is no insult in this? That there is nothing wrong in the assertion of a knowledge on the part of the Secretary of State which he had before formally and solemnly disclaimed. In Mr. Smith's letter to Mr. Jackson, of the first of November, he intimates to Mr. Jackson that a language implying such a knowledge on the part of the American Government, was altogether inadmissible. What is Mr. Jackson's reply in his letter of the 4th of November, which is the last communication that a proper self-respect on the part of the American Government would permit it to receive from him? After again insinuating that our Government had a knowledge of Mr. Erskine's instructions, he says: "That any thing therein (in his former letter) contained may be irrelevant to the subject, it is of course competent to you to endeavor to show; and as far as you succeed in so doing, so far will my argument lose of its validity; but, as to the propriety of my allusions, you must allow me to acknowledge only the decision of my own Sovereign, whose commands I obey, and to whom alone I can consider myself responsible." In speaking of the propriety of his allusions, he acknowledges that he had made them, and does not deny that they are of the character ascribed to them. This insolent letter is concluded by expressions too plain for any misconception whatever. He says: "I have carefully avoided drawing conclusions which did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation where I was unable to substantiate a fact." He here, in fact, recognizes the insinuation imputed to him, and says he would not have made it if he could not have substantiated it. Collecting all his insinuations, on the one hand, and the refutation of them, on the other, I draw the conclusion that Mr. Jackson not only insulted the Government, but charged it with one of the foulest crimes—with direct falsehood.

If the circumstances under which he was sent, and his conduct after he arrived here, were such as I have described, I ask if the occasion does not require that the American Government should take a firm and dignified stand? That we should repel insults and respect ourselves? Shall the authority to whom only is entrusted the most solemn act of government which can be performed, the act of deciding on the last appeal of nations, stand by and see the Executive insulted by an emissary, such as Mr. Jackson was? I hope not, sir.

Sir, I consider the present no time for the causeless crimination of our own Government, and much less is it a time to countenance any other. We should discard domestic differences and party spirit, which, at a juncture like this, may be disastrous to our country. If we differ among ourselves, in the name of God let us unite against foreign aggression and foreign insult. It is admitted by gentlemen on the other

side, that both Great Britain and France have done us wrong. If so, why not unite against the one as well as against the other? A conduct like this must produce the happiest consequences. If any thing like union is discovered against insult and injury, I believe in God that it would not be long ere we met on reciprocal terms of amity. Sir, for my country, I only desire the rule of right; that we must obtain. If it is thought I wish any disaster to befall the British nation, I am misunderstood. I am willing that Great Britain should be great, happy, and prosperous. I should view her downfall as an inauspicious event; consequences might result from it which I will not undertake to estimate; but I hope that the expectation never will be encouraged from this Hall, that Great Britain can or will receive any terms from us other than such as are fair, honorable, and reciprocal.

The terms which have been offered to us are not of that kind. I submit it to gentlemen's own decision. We have long experienced injustice, and if we are only capable of being firm to our purpose, and adhering to the principles of neutrality which have hitherto guided the councils of our country, and especially the enlightened policy of the Executive department, we shall no doubt obtain justice.

In every view, therefore, it appears to me that the resolution from the Senate not only is supported by the correspondence laid before us, but is rendered peculiarly important by the occasion. The appeal made by Mr. Jackson from the Executive, from the organ with which alone a foreign Minister can have communication, to the people, to a tribunal with which he cannot communicate, adds great force to the arguments in favor of a firm stand on our part. I hope it will be made, and that it never will be abandoned till we receive that justice which has been but too long delayed.

Mr. Ross observed: I, for one, am an Administration man, if that Administration act correctly, whether it shall, in a time of great difficulty and doubt, insure a prospect of peace with Great Britain, or whether it may find it necessary in asserting the rights and independence of the Government to involve the nation in war. I think the importance of the one course is as great as the other, and I will, under such circumstances, equally support them when they are likely to make war as to make peace, however other gentlemen may differ from me on this head.

Before I proceed to state, sir, what I conceive necessary to be understood, in order to come to a correct judgment on these resolutions, permit me to premise that there is more than a presumption that Mr. Erskine had a power to enter into the arrangement which he made. 1st. Because he himself declared he had such power. 2dly. Because he acted in conformity to that declaration; and, 3dly. Because Mr. Jackson does not deny he had such power. Mr. Jackson does not pretend to say that Mr. Erskine

had not other despatches and other instructions than those of the 23d of January, and that, in them, there were not other conditions of a different grade and character from those contained in that despatch. Hence, I think it is fairly to be concluded, that Mr. Erskine had the power to enter into the agreement. It has, however, been said by the gentleman from Connecticut, (Mr. DANA,) that this is not so much a question of what our Government was ignorant of, as of what they knew, or what they ought to have known; and he has entered into a long examination of the mode of commissioning diplomatic characters, whether by letters of credence or by full powers, and has drawn a distinction between the two. In the first place, I apprehend it is in nowise material, to enable the House to decide on the resolution, whether the President did or did not know the nature of Mr. Erskine's powers. But it is necessary to rescue him from the imputation which those are disposed to cast on him who are desirous to pull down the Administration. What was the amount of the gentleman's showing on this occasion? That in all cases, in order to complete a treaty, it is necessary there should be a commission or full power. But has he shown that it is necessary in order to make a preliminary arrangement similar to that entered into? I apprehend he has not. On referring to the letter quoted by him from Mr. Jefferson, then Secretary of State, to Mr. Hammond, we find the former calling upon the latter to exhibit his powers to enter into a negotiation; but Mr. Jefferson afterwards recedes from that demand, and receives the word of Mr. Hammond that he is possessed of power to negotiate as sufficient evidence of his being clothed with the proper power without the exhibition thereof. But the ratification was not withheld, as has been justly said, because there was an absence of a full power on this occasion. Mr. Jackson himself states that this was not the ground on which the ratification was withheld. It must first be proved that it was obligatory on the Executive to call for Mr. Erskine's full power, and it must then be proved that he did not, before his observations can be brought to bear on the question. Where is the proof that the Executive did not call for those powers? It is not pretended that Mr. Erskine had not a power to make an arrangement, but that it was not concluded in pursuance of his instructions. Therefore, if he had produced ten thousand powers, unless his instructions had authorized him to do what he did, the British Ministry would have rejected the terms stipulated for them, as they have done. But why is it necessary to know, on this occasion, whether the President did call for these powers or not? The inquiry composes no part of the resolution; it is neither expressly mentioned nor glanced at; and why this inquiry is raised, I confess I am utterly at a loss to know, unless it was to prove that the President of the United States had a knowledge of the instructions, and that they restricted Mr.

Erskine's powers. The gentleman has not ventured to infer that the President of the United States had this knowledge, but the course of his argument goes to show that, in his opinion, he did possess this knowledge. He lays down the position, that it was the duty of the President to have seen those powers, and, I presume, supposes that the conclusion will be drawn that the President performed his duty; and, of course, taking it for granted that there were no other instructions than those of the 23d of January, that the President must have seen those instructions, and consequently have known that Mr. Erskine had not power to conclude the arrangement. All his argument went to raise a structure to induce a belief in this House, and in the public at large, that this knowledge must have been in possession of the President. The gentleman, at the same time, professes the utmost regard and respect for Mr. Madison. This, I confess, is following the direction of the poet, who says:

"Damn with faint praise, assent with civil leer;  
And, without sneering, teach the rest to sneer."

But let us inquire if the President had any knowledge that Mr. Erskine had no full power; for if I show, beyond all doubt, that the President did not know it, all this insidious fabric, which is designed to produce so many delusions, will vanish at once. I think it is to be presumed that the President had no knowledge that Mr. Erskine had not full powers, because he entered into the arrangement. What object could he have in view which should induce him to conclude an arrangement, except with full confidence of its being carried into effect? Not to get rid of the embargo—that had long before been interred by its fathers with a truly Christian spirit. Not to get rid of the non-intercourse—because the moment the arrangement was disavowed, the President breathed life and spirit into that act, and gave it renewed existence. It was not from any hostile disposition to England, because he could have no reason to wish for a war. And because, if he had desired a war with that country, he had an occasion to seek a pretext therefor, inasmuch as long antecedents, and up to the very time of making the arrangement, the causes for war against Great Britain were great and numerous, as has been agreed by all parties. If not to get rid of the embargo, nor of the non-intercourse, nor for war, what object could he have, with such knowledge as has been imputed to him, not expressly, but by inference, in making the arrangement of April? Will gentlemen be good enough to condescend so far as to assign some object that the Executive could have had in view from such conduct? For it is not to be presumed that men, in or out of office, act without motive and without object. Therefore, hearing no reason assigned why the President should act thus preposterously, as it is attempted to be insinuated he did, by those in opposition, it would be reasonable to conclude that he had no



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such knowledge. But, in opposition to this insinuation, also, you have the solemn declaration of the President of the United States, through the Secretary of State. Humiliating in the extreme must it be to hear this solemn asseveration questioned, even in a side-way, in order to support the insolence of a British Minister! Was it not enough that the country has been enabled to endure, in order to secure the great object of remaining in peace, insult after insult, outrage after outrage, and even that the Government should be insulted by foreign diplomatic characters, without doubts and suspicions being insinuated by members of this House? Pray, sir, let me ask this House, or the whole of the United States, what the President of the United States has ever done in any official character, among the many which he has filled with honor to himself and reputation to his country, that the correctness of his declarations, made through his Minister of State, should be disputed? But I might suffer the humiliation of going still further into the subject. We have the word of the recalled Minister, if that be considered more conclusive by gentlemen than that of the President of the United States, that he did not communicate his instructions to Mr. Smith. We have, 1st. The presumption that the Executive had no knowledge of Mr. Erskine's instructions, because he could have no object in view in concluding an arrangement with that knowledge; 2d. We have his declaration to that effect through the Secretary of State; 3d. We have the declaration of the Minister, whose act was disavowed, to the same effect. What have we to destroy this proof? The deceptive, poisonous insinuations of Mr. Jackson. Mr. Erskine repeatedly declared that he had ample powers. On the news being received during the last session of the issuing of the order of the 26th April, he declared that he had no doubt his arrangement would be carried into effect. He, to the last moment, declared that he acted in the spirit, if not in the letter, of his several letters of instructions. How, therefore, was it possible for the President to receive information from Mr. Erskine that he was not invested with competent power, when Mr. Erskine himself declared and believed he was, and acted accordingly.

From these considerations I apprehend it most clearly appears that the President of the United States had not a knowledge, neither was it his duty to have had a knowledge that Mr. Erskine did not possess powers to make the arrangement which he did.

TUESDAY, December 26.

Two other members, to wit: from Massachusetts, BENJAMIN PICKMAN, jr.; and from Virginia, WILLIAM A. BURWELL, appeared, and took their seats in the House.

THURSDAY, December 28.

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The House again resumed the consideration of the report of the Committee of the Whole on the resolution from the Senate approving the conduct of the Executive in refusing to receive any further communications from Francis J. Jackson.

The motion for indefinite postponement being still under consideration—

Mr. STANFORD said, so many were the objectionable features of the present resolution before the House, he should vote for its indefinite postponement, and with permission of the House he would give his reasons for his vote. In the first place, he thought the language and style of the resolution highly objectionable, and calculated to render that which was already bad enough still worse; that it was, in the second place, a strange innovation upon all former practice and usage under our present Government; and lastly, that it was clearly unconstitutional. Thus much he should endeavor to show, and trusted he would be able to do it to the satisfaction of the House.

Mr. S. then premised that he had disapproved the introduction of the resolution of approbation at the last session; that he considered unnecessary; but the present he considered not only unnecessary, but even pernicious. That was a pacific one; this belligerent in all its aspects. He had suggested a mode to one or two gentlemen, of getting rid of that one, if they had thought proper, and in which case he would have contributed his vote to have got clear of it. But, had the question been put in a direct form, he should have differed from his colleague, (Mr. MAOON,) inasmuch as he should have voted for it. He could not have done honestly otherwise, as he had most cordially approved the arrangement made by our Government with Mr. Erskine. Further, that as respected the rejection of Mr. Jackson, he thought entirely with his colleague, that he might well have been dismissed on the receipt of his first letter. He tells us for what he had been sent and commanded to do. In the case of the Chesapeake, to make "declarations" and to receive counter "declarations" simultaneously. In other words, for the arrogance, insults, and murders, we had borne and suffered, he came to stipulate atonement, if we would stipulate a sort of counter atonement at the same time. Stipulation for stipulation, at any rate. It had "*not appeared to His Majesty* necessary to command him to propose to our Government any formal agreement" to take place of the rejected one. For the matter, said Mr. S., of Mr. Jackson's instructions, much rather than for the manner of his negotiation, might the communication have been cut off with him. Both matter and manner were, to be sure, objectionable, but the former, in his estimation, formed much the most solid ground of dismissal. It was but too obvious the mission of Mr. Jackson would end as

the former one had done. That he did not come to propitiate us was but too manifest.

While the resolution before us, sir, affects to support the Executive Government against insult, and language "highly indecorous," it descends into a style of expression, itself more culpable and degrading; unworthy, indeed, of the country and the dignity of its Government. It was a flattering truth to know that in the style of diplomatic correspondence the American side of the question suffered not in comparison with that of any other. In the late, as well as former instances, the advantage has been calculated, as he presumed, to inspire every American bosom with just sentiments of pride. Had it, therefore, been recommitted, as his colleague (Mr. Macon) had advised, he had no doubt it could have been amended, and rendered more worthy of consideration as a State paper, than it is likely to be in its present dress and form.

Besides, Mr. Speaker, if the measure be intended to have any effect, it must be a bad one. It looks toward war. Already are our difficulties with Great Britain critical enough, but if gentlemen wish war, the thing is altogether appropriate to its end; well calculated not to support, but to thwart the pacific views and intentions of the Executive. We may, in this way, foreclose the door of amicable negotiation which the Executive by his first Message showed us he had kept open. If rudeness of expression had been resorted to on the part of the British Minister, in his correspondence with our Government, had it not been repelled on their part? Had they not amply redressed the insult of the individual? It might well afford some consolation to ourselves and the country, if other wrongs and insults have been even as well repaired as this. Besides the murder of Pierce, the more horrid murders on board the Chesapeake, the continuation of impressments for years, we have had instances, more than one, it is said, of other Ministers conspiring with your conspirators, menacing you with war, and putting your Government at defiance, here in the ten miles square, and the sensibility of Congress had never before been awakened to a resolution of this kind in defence of the Executive. The truth is, sir, it never needed it, nor does it now. We have, in very deed, Mr. Speaker, refined upon the more substantial insults we have suffered, till we have literally reduced it to a *war of words*. It is the *expressions* of the individual we are combating, and pledging the whole force of the country to protect the President against the consequences of, and not the more palpable injuries received. Would to Heaven, sir, such a resolution had not been brought forward! It is unworthy of us—unworthy of the political professions we heretofore made, even those made at our last session.

That a resolution of approbation, Mr. Speaker, is against all example for the last eight years; that it is an innovation upon all usage and practice, reference need only be had to the speeches of gentlemen during the last session.

They afford the most ample proof. They were then unwilling to pour out the oil of adulation upon the Executive head. It was deemed unnecessary, anti-republican, to do so. He hoped gentlemen understood him. He was using their own language upon that occasion, and not his own. He borrowed it for its excellence and fitness upon the present occasion. Such language conveyed his sentiments *then*, and *still did*; and, for his part, he could not comprehend how it could be correct then, and now the reverse of correct. Some gentlemen on the floor perfectly remembered that when Mr. Jefferson came into the Presidency, eight years ago, he changed the mode of personal address into that of written message. "In doing this," said he, in his first Message, "I have had a principal regard to the convenience of the Legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs." All acquiesced in this new course, and from that time to the late instance mentioned, no time had been wasted in pouring back the oil of adulation or approbation, in any form, on the Executive head. The only instance which could be cited during the last eight years, was found incidentally incorporated in a resolution relating to the navigation of the Mississippi. The words were, "and relying with perfect confidence on the vigilance and wisdom of the Executive." This, then, was the only drop of this oil which the last Administration produced, and has been called up at this first ordinary session of a new Administration to form an example to follow; or rather, might we not say, to resume the exploded practice of former times, and thus echo back messages in this new form of joint resolution. But what was the style in which gentlemen spoke at our last summer session, when the subject of approbation was then before us? The language of one was, if it were the object to bring before the House a discussion upon the Message of the President, and to return an answer to his Excellency's most gracious Message, he should certainly be opposed to it. If there had ever been a particular part of the former Administration which had met the approbation of the Republicans generally of this country, it was the discontinuance of the practice." Another had told us that he was "opposed to a deviation from what he conceived to be the duty, and becoming the dignity of the House." He thought the House had nobler duties to perform than passing abstract resolutions, out of which no legislative act is contemplated, merely for the purpose of pouring the oil of adulation upon the head of the Chief Magistrate." And again, the gentleman from Pennsylvania, (Mr. FINDLAY,) whose opinions are always so much relied upon and respected in this House, and he, Mr. S., trusted by few more sincerely than himself, had, upon that occasion, with singular happiness and force spoken thus: "Law," said the gentleman, "I

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the only language of a Legislature. It is the only language that can command obedience and respect. Any equal number of citizens met in a tavern, and there passing a resolution of approbation, would have equal force with such a resolution passed in this House, and would be more in character. They are acting without authority from the constitution or the rules of the House." It would be for that gentleman to tell us, to tell the House, and he would beg the gentleman's pardon for the particular request—but he must request that he would take the occasion to let us all know how his doctrine then is now to be got over. For his own part, he could not comprehend how right and wrong could change their respective sides in so short a time.

His colleague, (Mr. MACON,) in referring to former times, had expressed some doubt whether the majority were the same party now they were then. He felt no doubt himself they were the same; but there was no room to doubt, from the present question itself, they had undergone some strange modification since former times. The doctrines then must be well remembered by him, yourself, Mr. Speaker, and a few others on this floor. The advocates of this sort of adulation must go back beyond the times of the late and last Administration, if they would introduce the fashion again. At the opening of the fifth Congress, in the answer of this House to the speech of the President, these words are used: "We cannot omit to testify our approbation of the measure, and to pledge ourselves that no considerations of private inconvenience shall prevent, on our part, a faithful discharge of the duties to which we are called." And again, this sentence: "Whilst we view with great satisfaction, the wisdom, dignity, and moderation, which have marked the measures of the Supreme Executive of our country in its attempt to remove, by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its Minister." This language was too much in the style of adulation for us then to brook, and our names, sir, stand recorded together against it. Let gentlemen compare for themselves.

It is the peculiar misfortune, sir, of this system, if again to be revived, that the right of approbation fully implies the right of disapprobation and censure; and during the same Administration of which we are speaking this right of disapproving and censuring was also attempted to be exercised. The resolution was introduced at the first session of the sixth Congress, by a gentleman then from the city of New York, (Mr. LIVINGSTON,) in the case of Jonathan Robbins. The same gentleman is occasionally present here at this time, and seems yet to be a stickler for judicial decision, and still thinks the Executive, against an individual, matchless odds. The part of the resolution alluded to, runs thus: "that the decision of those

questions by the President of the United States against the jurisdiction of the courts of the United States, in a case where those courts had already assumed and exercised jurisdiction, and his advice and request to the judge of the district court, that the person thus charged should be delivered up, provided, only, such evidence of his criminality should be produced as would justify his apprehension and commitment for trial, is a dangerous interference of the Executive with judicial decisions." Hence, then, sir, it might be easily seen from a practice of this sort, that a whole session might be wasted without doing any part of the public business. The thing would be endless.

In the fourth Congress, on a subject of a call for papers in relation to the British Treaty, an unhappy difference arose between this House and the Executive. General WASHINGTON was the President. His reply to the House was, "that a just regard to the constitution, and to the duty of his office, forbid a compliance with their request." The House, again by resolution, asserted their right, disclaiming, however, at the same time, any agency in making treaties. Notwithstanding the violence and passion of the moment, this House did not then think they had any right to meddle with the making of treaties; but now it would seem the present House were disposed to join the Senate in this sort of interference in the negotiations of the Executive to form a treaty.

In all the cases alluded to, sir, it should be distinctly kept in view, that each House had acted for itself in voting their approbation and homage to Executive speeches and proclamations. He had reference to the proclamation of neutrality by General WASHINGTON. This was the first time Congress ever legislated approbation before.

Mr. QUINCY.—It is not my intention, Mr. Speaker, to offer any commonplace apology for the few observations I shall submit to the House on the subject now under consideration. Such is the character, and such the consequences of these resolutions, that no man, who had at heart the honor and happiness of this country, ought to continue silent, so long as any topic of illustration is unexhausted, or any important point of view unoccupied.

It is proposed, sir, that this solemn assembly, the representative of the American people, the depository of their power, and in a constitutional light, the image of their wisdom, should descend from the dignity of its legislative duties, to the task of uttering against an individual the mingled language of indignation and reproach. Not satisfied with seeing that individual prohibited the exercise of his official character, we are invited to pursue him with the joint terrors of legislative wrath, couched in terms selected to convey opprobrium and infix a stigma. "Indecorum," "insolence," "affront," "more insolence," "more affront," "direct, premeditated insult and affront," "disguises, fallacious and false:" these are the stains we

are called upon to cast; these the wounds we are about to inflict. It is scarcely possible to comprise, within the same compass, more of the spirit of whatever is bitter in invective, and humiliating in aspersion. This heaped up measure of legislative contumely is prepared; for whom? For a private, unassisted, insulated, unallied individual? No, sir. For the accredited Minister of a great and powerful Sovereign, whose character he in this country represents, whose confidence he shares; of a Sovereign who is not bound, and perhaps will not be disposed to uphold him, in misconduct; but who is bound, by the highest moral obligations, and by the most impressive political considerations, to vindicate his wrongs, whether they affect his person or reputation, and to take care that whatever treatment he shall receive shall not exceed the measure of justice, and above all, that it does not amount to national indignity.

Important as is this view of these resolutions, it is not their most serious aspect. This bull of anathemas, scarcely less than Papal, is to be fulminated, in the name of the American people, from the high tower of their authority, under the pretence of asserting their rights and vindicating their wrongs. What will that people say, if, after the passions and excitements of this day shall have subsided, they shall find—and find I fear they will—that this resolution is false, in fact; that a falsehood is the basis of these aspersions upon the character of a public Minister? What will be their just indignation, when they find national embarrassments multiplied, perhaps their peace gone, their character disgraced, for no better reason than that you, their representatives, following headlong a temporary current, insist on making assertions, as they may then, and I believe will, realize to be not authorized by truth, under circumstances, and in terms, not warranted by wisdom?

Let us not be deceived. It is no slight responsibility which this House is about to assume. This is not one of those holiday resolutions, which frets and fumes its hour upon the stage and is forgotten forever. Very different is its character and consequences. It attempts to stamp dishonor and falsehood upon the forehead of a foreign Minister. If the allegation itself be false, it will turn to plague the accuser. In its train will follow severe retribution, perhaps in war; certainly in additional embarrassments, and most certainly, in worse than all, the loss of that sentiment of self-esteem, which to nations, as well as individuals, is “the pearl of great price,” which power cannot purchase, nor gold measure.

In this point of view, all the other questions which have been agitated in the course of this debate dwindle into utter insignificance. The attack or defence of administration, the detection of fault, or even the exposure of crime, are of no importance when brought into competition with the duty of rescuing this House and nation from the guilt of asserting what is false, and making that falsehood the basis of outrage

and virulence. I avoid, therefore, all questions of censure or reproach on either the British Minister or the American Secretary of State. I confine myself to an examination of this resolution, particularly of the first branch of it. This is the foundation of all that follows. I shall submit it to a rigid analysis, not for the purpose of discovering how others have performed their duties, but of learning how we shall perform ours. The obligation to truth is the highest of moral and social duties.

It is remarkable, Mr. Speaker, that of all the gentlemen who have spoken, no one has taken the precise terms of the resolution as the basis of his argument, and followed that course of investigation which those terms naturally prescribe. Yet the obvious and only safe course, in a case of such high responsibility, is first to form a distinct idea of the assertion we are about to make, and then carefully to examine how that assertion is supported, if supported at all, by the evidence. With this view I recur to the resolution, in the form in which it is proposed for our adoption, and make it the basis of my inquiries.

#### [The Resolution.]

This part of the resolution, it will not be denied, is the foundation of the whole. For if no such “idea was conveyed” in the letter of the 28d of October, then there could be no “repetition” of that idea, in the letter of the 4th of November; and if in the former part of his correspondence Mr. Jackson had made no such “insinuation,” then the assertion in this letter that he had made none, was perfectly harmless and justifiable. This part, therefore, includes the pith of the resolution. If we analyze it, we shall find that it contains two distinct assertions. First, that the expressions alluded to convey a certain idea. Second, that this idea, so conveyed, is indecorous and insolent. Here again we are enabled to limit the field of our investigation. For, if no such idea, as is asserted, was conveyed, then the inquiry, whether such idea is indecorous and insolent, is wholly superseded. The true and only question, therefore, is *whether the expressions alluded to, do convey the asserted idea*. I place the subject in this abstract form before the House to the end that, if possible, we may exclude all those prejudices and partialities which so naturally and imperceptibly bias the judgment. In the light in which it now stands, it must be apparent to every one who will reflect, that the question has, so far as it respects the principles on which our decision ought to proceed, no more to do with the relations between Great Britain and the United States, than it has with those between the United States and China, and has no more connection with Mr. Francis J. Jackson and Mr. Robert Smith, than with the late Charles of Sweden, and the old Duke of Sudermania. It is a simple philological disquisition, which is to be decided by known rules of construction. The only investigation is, touching

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the power or capacity of certain terms to convey an alleged idea. However illy suited a question like this may be for the discussion of an assembly like the present, yet if we would be just to ourselves and the people, we must submit to an examination of it, in that form in which alone certainty can be attained. It is only by stripping the subject of all adventitious circumstances, that we can arrive at that perfect view of its nature which can satisfy minds scrupulous of truth, and anxious concerning duty. It is only by such a rigorous scrutiny that we shall be able to form that judgment which will stand the test of time, and do honor to us and our country when the passions of the day are passed away and forgotten.

The natural course of inquiry now is, into the idea which is asserted to be conveyed, and the expressions which are said to convey it. Concerning the first there is no difficulty. The idea asserted to be conveyed is, "that the arrangement made between Mr. Erskine and Mr. Smith was entered into by the American Government, with a knowledge that the powers of Mr. Erskine were incompetent for that purpose." It would save a world of trouble if the expressions in which this idea is said to be conveyed were equally easy of ascertainment. But on this point, those gentlemen who maintain this insult are far from being agreed. Some being of opinion that it is to be found in one place, some in another, and others again assert that it is to be found in the whole correspondence taken together. Never was an argument of this nature before so strangely conducted. Gentlemen seem wholly to lay out of sight that this resolution pledges this House to the assertion of a particular fact, and expresses no general sentiment concerning the conduct of Jackson, or the conduct of his Government. Yet, as if the whole subject of British relations was under discussion, they have deemed themselves at liberty to course through these documents, collect every thing which seems to them indecorous, insolent or unsuitable in Mr. Jackson's language, and add to the heap thus made the whole list of injuries received from Great Britain—impressments, affair of the Chesapeake, murder of Pierce—and all this, for what purpose? Why, truly, to justify this House in making a solemn asseveration of a *particular fact*! As if any injury in the world could be even an apology for the deliberate utterance of a falsehood. Let the conduct of Mr. Jackson, or of Great Britain, be as atrocious as it will, if the fact which we assert do not exist, we and this nation are disgraced. It is evident, then, that irksome as such a task is, it is necessary that we should submit to a precise inquiry into the truth of that to which we are about to pledge our reputation and that of this people.

In our investigation, let us follow the natural course that is pointed out in the resolution. This alleges that the obnoxious expressions are contained in a letter of the 28d of October, and to this limits our assertion. In this letter, there-

fore, either directly, or by way of reference to some other, this obnoxious idea or insinuation must be found. For if it be not in this, even if it should be contained in other parts of the correspondence, which is not, however, pretended, still our assertion would be false. Concerning this letter of the 28d of October, I confidently assert, without fear of contradiction, that the obnoxious idea, if contained in that letter, is conveyed in the paragraph I am now about to quote. No man has pretended to cite any part of this letter, as evidence of the asserted insult, except the ensuing, and although there is not a perfect coincidence in opinion as to the particular part in which it resides, yet all agree that it lurks somewhere in this paragraph, if it have any dwelling-place in this letter.

[The paragraph.]

I have quoted the whole paragraph because, in that obscure and general mode of argument in which gentlemen have indulged, it has been read as that entire portion in which the insult is conveyed. It is difficult to conceive how some parts of this paragraph can be thought to convey any insult. However, in prosecution of my plan, I shall first exclude all those parts in which the obnoxious idea cannot be pretended to exist, and then limit my investigation to that part in which it must exist, if, in the letter of the 28d of October, it be conveyed at all.

With respect to the first sentence in this paragraph, I say confidently that the insult is not contained there. It is simply a declaration of the causes of the disavowal, so far from including the obnoxious idea of a knowledge in our Government of the incompetency of Erskine's powers, that in a manner it excludes that idea, by enumerating violation of instructions and want of authority as the only causes of the disavowal. In the first sentence, then, the insult is not. I pass by the second, as it will be the subject of a distinct examination hereafter. The third and fourth sentences it will not even be pretended convey this obnoxious idea. They simply acknowledge the frequency of graduated instructions, and assert the fact that Mr. Erskine's were not of that character. In this there is no insult. As little can it be pretended to exist in the fifth sentence. It merely asserts that Mr. Smith "*already*," that is, at or before the time Mr. Jackson was then writing, is acquainted with the instructions, (a fact not denied, and not suggested to be an insult,) and that the fact of these instructions being the only ones, Mr. Smith knows *from the information of Mr. Jackson*—an assertion, which so far from intimating the obnoxious idea of a knowledge in Mr. Smith at the time of the arrangement with Mr. Erskine, that it conveys a contrary idea, by declaring that he was indebted for it to his (Mr. Jackson's) information. Here, then, the insult is not. With respect to the last sentence in this paragraph, the only assertions it contains, are the fact that the terms

accepted were not contained in the instructions, and the evidence of this fact derived from the statement of Erskine that those acceded to were substituted by Mr. Smith in lieu of those originally proposed. In all this, the knowledge of Mr. Smith of the incompetency of Mr. Erskine's powers is not so much as intimated. Indeed, no one has pretended directly to assert that they have found it in the parts of this paragraph, from which I have thus excluded the obnoxious idea. Yet, as the whole has been cited, and made the basis of desultory declamation, I thought it not time lost to clear out of the way all irrelevant matter, and to leave for distinct examination the only sentence of this paragraph in which the insult lurks, if it has any existence in this letter. This point we have now attained. And as little inclined as gentlemen may be to precise investigation, they must yield to it. I say, therefore, confidently, and without fear of contradiction, that if the assertion contained in this resolution be capable of justification by any part of the letter of the 23d of October, it is by the following, the only remaining sentence of the cited paragraph which I have not yet examined: "These instructions I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th instant, were, at the time, in substance made known to you; no stronger illustration, therefore, can be given of the deviation from them which occurred than by a reference to the terms of your agreement." The latter part of this sentence being merely a conclusion from the preceding part, and having no relation to the knowledge of our Government at the time of the arrangement, will be laid out of consideration as being obviously wholly without the possibility of any agency in conveying the obnoxious idea. There remains only the preceding part of this sentence for the residence of the insult. Here, if anywhere, it must exist. Accordingly this is usually shown as the spot where the ghost of insinuation first appeared before the eyes of our astonished Administration. Here we shall again find it; unless, indeed, it were in fact a mere delusion of the fancy, formed of "such stuff as dreams are made." Let us examine by way of analysis.

[Here Mr. QUINCY analyzed the paragraph.]

I have thus far proceeded by way of a strict analysis of every part of the correspondence, in which the insulting idea, asserted in this resolution, has been said to be conveyed. I have omitted no part which has been cited in support of this first resolution, and think that I have shown that it exists nowhere in the letter of the 23d of October, either in direct assertion, or by way of reference. And it is concerning what is contained in that letter alone, that the resolution under consideration makes assertion. The House will observe that, according to all rules of fair reasoning, it would have been sufficient for me to have limited my-

self to show the fallacy of the arguments of the advocates of this insult; it being always incumbent on those who assert the existence of any thing to prove it. I have not, however, thought my duty on so important an occasion fulfilled, unless I undertook to prove what the lawyers call "a negative," and to show, with as much strength of reasoning as I had, the non-existence of the idea asserted in this resolution; with what success, I cheerfully leave to the decision of such thoughtful men in the nation who will take the trouble to understand the argument. There is, however, a corroborative view of this subject, which ought not to be omitted.

The insulting idea said to be conveyed is, that Mr. Smith had a knowledge, at the time of the arrangement, of the incompetency of Erskine's powers, and this because such a knowledge was one of the essential circumstances which could only lead to a disavowal. Now, it does happen that neither Mr. Erskine nor his Government enumerate this knowledge of our Government as one of those essential circumstances. On the contrary, they constantly omit it, when formally enumerating those circumstances. Mr. Canning places the disavowal, solely, on the footing of Mr. Erskine's having "acted not only not in conformity, but in direct contradiction to his instructions." Mr. Jackson, also, in his letter of the 23d, when formally enumerating the causes of the disavowal, says expressly, that the disavowal was "because the agreement was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it." Now, is it not most extraordinary, that after such formal statements, not including the knowledge of our Government among the essential circumstances, that it is on this knowledge the British Government intend to rely for the justification of their disavowal? I simply ask this question, if the British did intend thus to rely on the previous knowledge of our Government, why do they always omit it in their formal enumerations? And if they do not intend thus to rely, in what possible way could it serve that Government thus darkly to insinuate it? But as if it were intended to leave this House wholly without excuse in passing this resolution, Mr. Jackson expressly asserts, in this very letter of the 23d of October, that the information of that fact was derived from him, the knowledge of which, this resolution asserts, he intended to intimate was known at the time of the arrangement with Erskine. For he specifically says: "I have had the honor of informing you that it (Mr. Erskine's instruction) was the only one by which the conditions on which he was to conclude were prescribed." Now, if Mr. Jackson had remotely intended to intimate that Mr. Smith had a previous knowledge of that fact, would he have asserted that he was indebted to him (Mr. Jackson) for the information? Conclusive as this argument is, there is yet another in reserve, which is a clincher. And that is, that this very knowledge which we propose

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solemnly to affirm Mr. Jackson intimated our Government possessed at the time of the arrangement, it is, from the nature of things, impossible they should have possessed. The idea asserted to be intended to be conveyed is, a knowledge in our Government that the arrangement was entered into without competent powers on the part of Mr. Erskine. Now, the fact that Mr. Erskine's powers were incompetent, it was impossible for our Government to know, except from the confession of Mr. Erskine. But Mr. Erskine before, at the time, and ever since, has uniformly asserted the reverse. So that, besides all the other absurdities growing out of this resolution, there is this additional, that it accuses Mr. Jackson of the senseless stupidity of insinuating as a fact, a knowledge in our Government, which from the undeniable state of things it is not possible they should have possessed. Mr. Speaker, can any argument be more conclusive? 1. The idea is not conveyed by the form of expression. 2. Mr. Jackson, though expressly enumerating the only causes which led to a disavowal, does not suggest this. 3. Mr. Jackson expressly asserts the knowledge that these were the only instructions derived from him; of course it could not have been known previous to the arrangement. 4. Had he been absurd enough to attempt to convey such an idea, the very nature of things shows that it could not exist. I confess I am ignorant by what reasoning the non-existence of an insinuation can be demonstrated, if it be not by this concurrence of arguments.

Before I conclude this part of the subject, it will be necessary to make a single observation or two, on the following passage in Mr. Jackson's letter of the 4th of November, for although our assertion has relation, in the part of the resolution under consideration, only to the letter of the 23d of October, yet this subsequent passage has been adduced as a sort of accessory after the fact. "You will find that, in my correspondence with you, I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation, where I was unable to substantiate a fact. To facts, as I have become acquainted with them, I have scrupulously adhered." This the subsequent part of the resolution under debate denominates, "the repetition of the same intimation." But if the argument I have offered be correct, there was no such "intimation" in the preceding letters, and of course no repetition of it here. For if he had, as I think I have proved, in his former letters uttered no such insinuation as is asserted, then all the allegations in this paragraph are wholly harmless and decorous, neither disrespectful nor improper. "But this," says the gentleman from Pennsylvania, (Mr. MILNOR) "is conclusive to my mind, that Mr. Jackson did intend to insult, for if he had not would he have refrained from giving an explanation when it was asked?" That gentleman will re-

collect that the assertion of this House is as to the idea which Mr. Jackson has conveyed in the letter of the 23d, not as to the idea which he intended to convey. Suppose he intended it, and has not done it, our assertion is still false. But will that gentleman seriously conclude, contrary to so obvious a course of argument, that he has asserted, or even intended to assert, this particular idea, merely because he does not choose to explain it? Are there not a thousand reasons which might have induced Mr. Jackson not to explain, consistent with being perfectly innocent of the intention originally to convey it? Perhaps he thought that he had already been explicit enough. Perhaps he thought the explanation was asked in terms which did not entitle Mr. Smith to receive it. Perhaps he did not choose to give this satisfaction. Well that now is "very ungentlemanly," says the gentleman from Pennsylvania, (Mr. MILNOR.) I agree, if he pleases, so it was. But does that justify this resolution? Because he is not a gentleman, shall we assert a falsehood?

I briefly recapitulate the leading points of my argument. When Mr. Jackson asserts "that the substance of the instructions was known to our Government," the expression cannot convey the obnoxious idea, because it is not pretended that, in those instructions, the existence of other powers was excluded. When he says, "you must have thought it unreasonable to complain of disavowal," the time of knowledge implied is confined by the structure of the sentence to the time of a disavowal known, and cannot be limited backwards to the time of arrangement made. It is also absurd to suppose that Mr. Jackson would intimate by implication the knowledge of our Government of Erskine's incompetency of powers at the time of arrangement, as an essential circumstance on which the King's right of disavowal was founded, and yet omit that circumstance in a formal enumeration; and lastly, it is still more absurd to suppose that he would undertake to insinuate a knowledge, which, from the nature of things, could not possibly exist.

I have thus, Mr. Speaker, submitted to a strict and minute scrutiny all the parts of this correspondence which have been adduced by any one in support of the fact asserted in this resolution. This course, however irksome, I thought it my duty to adopt, to the end that no exertion of mine might be wanting to prevent this House from passing a resolution, which, in my apprehension, is pregnant with national disgrace, and other innumerable evils.

FRIDAY, December 29.

Another member, to wit, from North Carolina, JAMES HOLLAND, appeared and took his seat.

COL. ISAAC A. COLES.

*Breach of Privilege.*

Mr. TAYLOR, from the committee appointed to inquire into the circumstances alluded to in

the letter of I. A. Coles to the Speaker of the House, made the following report :

That, according to that order, they have taken into consideration the subject referred to them; that in making the proposed inquiry they have taken the depositions of the honorable James Turner, a Senator of the United States, and of Mr. Samuel Sprigg, which depositions they beg leave to report to the House.

From these depositions it was established, to the satisfactory belief of your committee, that Mr. I. A. Coles, without any immediate previous altercation or provocation, did assault and strike a member of this House, within the walls of the north wing of the Capitol; that this act was done on Monday, the 27th ult., about one o'clock P. M., and after this House had adjourned over to the following day.

That, from the assertions of Mr. Coles, and from the actual admission of the member assaulted, your committee were satisfied that the provocation or supposed provocation which occasioned the attack did not arise from any thing said or any act done by the member of this House, in the fulfilment of his duties as a Representative in the Congress of the United States.

Your committee are of opinion that this latter circumstance may be received in extenuation, but cannot be admitted in justification of the act done by Mr. Coles; and, from all the circumstances of the case, they are of opinion that said assault and violence offered to the member was a breach of the privileges of this House.

Your committee further report, that they have considered the letter of Mr. Coles to the Speaker of this House, together with another letter from Mr. Coles addressed to the Chairman of your Committee, (which they also beg leave to report to the House,) that these two letters, in the opinion of your committee, do contain acknowledgments and apologies on the occasion, which ought to be admitted as satisfactory to the House. They therefore recommend the following resolution:

*Resolved*, That any further proceeding in the above case is unnecessary.

*To the Hon. John Taylor, Chairman, &c.*

SIR: Understanding that the declaration which I had the honor this morning to make before the committee, will be more acceptable if put in the written form, I hasten to comply with what I believe to be their wish, in tendering through them, to the House of Representatives, the renewed assurance "that if I could have supposed that the circumstance alluded to in my letter to the Speaker, would have been construed into a breach of the privilege of the House, it would not have occurred at the time and in the place where it unfortunately happened."

With sentiments of great respect, I am your obedient humble servant,

I. A. COLES.

December 28, 1808.

Ordered to lie on the table.

#### *Conduct of the British Minister.*

The House resumed the consideration of this subject. At four o'clock Mr. LIVERMORE commenced a speech, but gave way for a motion to do adjourn which was carried, 53 to 51.

SATURDAY, December 30.

A motion was made by Mr. DAWSON, that the

report made yesterday, on the occurrence between I. A. COLES and a member of this House, and the documents accompanying the same, be printed for the use of the members: and the question being taken thereon, it was resolved in the affirmative—yeas 76, nays 25. The report and documents were referred to a Committee of the Whole on Thursday next.

#### *Conduct of the British Minister.*

Mr. RHEA, of Tennessee—Mr. Speaker, it is not deemed necessary in the observations I will make on the resolution under consideration, to take into view any relations of the United States with Great Britain or France, because it does not clearly appear that any exist, except in this, that the United States are suffering loss and damage. If there be any relations with Great Britain, as they respect the United States, they are negative and suffering; as they respect Great Britain, positive and active. Be they what they may, they are not properly within the range of a discussion on this resolution, which merely respects the conduct of an Ambassador Extraordinary and Minister Plenipotentiary of His Britannic Majesty near the United States. How the relations, if there be any, between the United States and France are connected with the subject of this resolution, will require the greatest civilian, the most wise master of public law, to discover; the consideration of these subjects, except so far as mentioning only circumstances which have existed, will be omitted. Neither does it appear very necessary to recur, in examining this question, in the view I intend to take of it, to writers or authorities, as they are called, on public law or laws of nations, because, if any time heretofore, there was a public law acknowledged and practised by all civilized nations, that law is, in these times, become obsolete and disused; and the great nations of the old world have severally adopted particular systems of law respecting other nations, adapted to their own several existing circumstances, and bottomed on principles different from those which heretofore were denominated principles of public law. When, therefore, in the course of these observations, said Mr. R., I may use the words "public law," my intention is to express thereby an idea of some system named public law, not the law of nature, which, gradually becoming obsolete, has been very little, if any, in use since the commencement of the American Revolution—a system which, notwithstanding it is often appealed to, if ever it did exist, is now only to be found in books, and not in practice. Neither is it intended in this case to draw into notice any diplomatic proceedings many years heretofore transacted, by way of argument, in support of what I may say on the subject of this resolution; inasmuch as the truth and merits of it do rest and depend on the Message of the President of the United States, and the documents accompanying the same, and the other documents relative thereto, which have been received from



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*Trade to the Baltic.*

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him since the commencement of this session of Congress, together with some other documents relative to the arrangement of April last, made between the American Government and the honorable David Montague Erskine, late Ambassador Extraordinary and Minister Plenipotentiary from His Britannic Majesty, near the United States.

This resolution is not an answer to a Message from the President of the United States; there are not in it any words of relation between it and a message evidencing an expression or intended direction of that nature; neither are there in it any words manifesting an intention to transmit it to him as an address; for these and other reasons, which, if necessary, might be mentioned, it does not appear that this joint resolution can, with any propriety, be named an answer or response to a Message from the President, or an address to him. It may, therefore, be reasonably expected, that any objection raised against it, on the opinion of its being an answer to a Message from the President, or an address to him, will not prevail.

This resolution is not a declaration of war; it is predicated on a specified conduct of an Ambassador Extraordinary and Minister Plenipotentiary of His Britannic Majesty, near the Government of the United States, and on the denial of the Executive Government of the United States to receive any further communications from him in consequence of that conduct. And it may be observed that, how ancient soever among nations the custom or usage of sending or receiving Ambassadors, Plenipotentiaries, and public Ministers of that kind may be, the custom or usage, it is reasonable to believe, is bottomed only on the great principle of humanity, and does not impose a perfect obligation either to send such minister, or to receive him, or to continue him after being received; therefore, not to send an Ambassador, Plenipotentiary, or public Minister—not to receive such Minister—to recall such Minister—or to refuse to receive any further communications from such Minister, is not a just cause of war; and it follows that the acting or not acting, in either of the cases, is not a declaration of war. True it is, that the resolution states, that "the Congress of the United States do solemnly pledge themselves to the American people, and to the world, to stand by and support the Executive Government in its refusal to receive any further communications from the said Francis James Jackson, and to call into action the whole force of the nation, if it should become necessary, in consequence of the conduct of the Executive Government in this respect, to repel such insult, and to assert and maintain the rights, the honor, and the interests of the United States;" but, it is to be observed, that that pledge goes only to the doing of certain things which may become necessary in consequence of the conduct of the Executive Government in respect to that thing which is alluded to. But if any gentleman is disposed

to continue to this resolution the name of an answer to a Message from the President, or address to him, or to call it a declaration of war, he certainly may give it any name he pleases; and I hope, said Mr. R., that I may also have the liberty to give it a name that appears appropriate to it.

[Here Mr. RHEA entered into a close examination of the correspondence between the British Minister and the American Secretary of State, to show, *first*, the insult to the American Government by charging it with falsehood; *secondly*, the falsity of that charge by showing that it was founded on false assumptions and continued:]

The whole civilized world is a spectator in the discussion of this resolution; and all the civilized nations in the world are and will be anxiously desirous to know, whether the United States of America, after having hitherto, with impunity, suffered all the aggressions of Great Britain, and after having suffered Great Britain, with impunity, to impress thousands of their seamen, and retain them on board of their armed ships and vessels, and compelling them to fight against nations with whom the United States are at peace; after having suffered Great Britain, with impunity, to murder their citizens, and after having suffered Great Britain with impunity to attack their sovereignty, in case of the Chesapeake frigate, will, after all these outrages and hostile acts, tamely, meekly, and patiently, submit and bow down to the lowest degree of debased degradation, and suffer Francis J. Jackson, Ambassador Extraordinary and Minister Plenipotentiary of His Britannic Majesty, with impunity, to abuse their Executive Government, and to impute to it with impunity the detestable charge of untruth.

TUESDAY, January 2, 1810.

Another member, to wit, from Pennsylvania, ROBERT JENKINS, appeared, and took his seat in the House.

WEDNESDAY, January 3.

*Trade to the Baltic.*

Mr. BURWELL said that he had given to the subject of our foreign relations as much consideration as he was capable of doing, and digested some plan which appeared to him best adapted to the present situation of the country. It would be recollected, however, that they had seen in the papers that France either had blockaded or did contemplate the blockade of all the ports not embraced in the British orders; and they had seen in the papers a paragraph intimating that a project existed to close the northern ports against all vessels but those of France. He conceived it necessary to call for any information which by possibility might be in possession of the Executive on this subject, as such information, if to be obtained, might have some influence upon his mind as to the

course proper to be pursued; and therefore moved the following resolution:

*Resolved*, That the President of the United States be requested to lay before this House any information he may possess relative to the blockade of the ports of the Baltic by France, and the exclusion of neutral vessels by Russia, Sweden, and Denmark.

The motion was agreed to without opposition, and Mr. BURWELL and Mr. GARDNER appointed a committee to wait on the President accordingly.

*Conduct of the British Minister.*

The House resumed the consideration of the unfinished business of yesterday, being the resolution from the Senate approving the conduct of the Executive in refusing to receive any further communication from Francis James Jackson, &c.

The resolution was ordered to be read a third time.

To-morrow was named as the day on which it should be read a third time, and negatived, ayes, 82.

The resolution was then ordered to be read a third time to-day.

Mr. NEWTON.—Mr. Speaker: It is with regret, sir, I feel myself constrained to offer some observations on the resolution from the Senate now on its passage.

I am not ignorant that I am trespassing on your patience, and that, at this late period of the discussion, I address you to no little disadvantage; but I derive, under such discouragement, great satisfaction in knowing that your politeness and indulgence are at all times the same.

I lament, sir, that the discussion has not been confined to the subject which the resolution presents for consideration, but as I had no control over the debate, I am compelled to pursue it through the meanders it has taken.

As silence on the observations which have been made, though on points foreign to the one in debate, may be ascribed to an acquiescence in their justness, I cannot refrain from apprising you that I hold myself bound to answer such as shall, in my judgment, demand an answer. This course will compel me to discuss points no ways related to the one before the House.

I shall endeavor to atone for taking this range by giving to each subject a separate consideration, and by observing a due regard to brevity. With this apology, I hasten in the first instance to the discussion of the competency of Mr. Erskine's powers to conclude the provisional agreement of the 19th of April last.

I put aside from this discussion the instructions of Mr. Erskine authorizing him to tender reparation for the attack on the Chesapeake, because his power so to act has not been distinctly questioned. The gentlemen who have preceded me on the same side of the question have sustained, I trust to your satisfaction, and that of the House, the competency of Mr. Erskine's powers to make and conclude the arrangement

of the 19th of April last. Persuaded, as I am, that they have performed this task with great ability, I will not tire your patience by passing over the same ground, nor by citing the same authorities on which they relied to support their arguments.

I will permit myself only to take up the discussion of the points which terminated their remarks. I will content myself with furnishing some authorities not pressed into service, in support of the positions taken by them. That Mr. Erskine was a Minister Plenipotentiary, cannot be denied; in that character he was received, and in that he acted until he was recalled, is equally true. The propositions made by him in that character were received and acted upon as the propositions of his Government. The Executive of the United States had no control over his private instructions; no right to demand an exhibition of them; they were given for the government of the Minister's conduct. If he acted in contravention of his secret orders, over which his power was absolute, he became responsible to his sovereign for his non-observance of them; but his public acts must necessarily be binding and obligatory, originating, as they must be considered, in the general and avowed powers of the Minister, exercised in conformity to his private instructions. If his secret instructions limit his general commission, he is bound honestly to apprise the Government with which he is negotiating of the fact. He ought to say, to this boundary I can go; beyond it I cannot pass. To illustrate this doctrine, which I hold to be sound and correct, I will give as an instance the chaste conduct of Mr. Monroe and Mr. Pinkney, who, previous to affixing their signatures to the treaty concluded by them with the British Commissioners, publicly apprised the Commissioners that they had no authority to bind the Government of the United States, as their instructions did not permit them to conclude a treaty which should not contain stipulations against impressments. The fate of that treaty is known. It was rejected. The British Government could not complain, because it was previously informed that the Ministers of the United States had no power to form such a treaty.

Mr. Erskine never entertained a doubt but that his powers were competent to the formation of the arrangement of April last. He unhesitatingly declared, in submitting his propositions for suspending as to the United States the operation of the Orders in Council, that he was commanded by his Majesty to submit them to the consideration of the Executive of the United States. I will prove this statement by his letter of April 18, 1809, and others, addressed to the Secretary of State. He says:

"The favorable change in the relations of His Majesty with the United States, which has been produced by the act usually termed the non-intercourse act, passed at the last session of Congress, was also anticipated by His Majesty, and has encouraged a further hope that a reconsideration of existing differ-

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ences might lead to their satisfactory adjustment. On these grounds and expectations, I am instructed to communicate to the American Government His Majesty's determination of sending to the United States an Envoy Extraordinary, invested with full powers to conclude a treaty on all points of the relations between the two countries. In the mean time, with a view to the attainment of so desirable an object, His Majesty would be willing to withdraw his Orders in Council of January and November, 1807, so far as respects the United States, in the persuasion that the President would issue a proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement, will be removed in the proposed negotiation."

In another letter, of April 19, he says :

"In consequence of the acceptance by the President, as stated in your letter of the 18th instant, of the proposals made by me on the part of His Majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare that His Majesty's Orders in Council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next." (1809.)

The above extracts from Mr. Erskine's letters leave us in no suspense as to the opinion he had formed of his instructions. In this settled belief that he had conformed strictly to the instructions of his Court, we find him so late as June 15, 1809, when he notified to the Secretary of State the new Order in Council issued on the 26th of April last. In this letter he says :

"In consequence of official communications sent to me from His Majesty's Government, since the adoption of that measure, I am enabled to assure you that it has no connection whatever with the overtures (of the 19th of April, 1809) which I have been authorized to make to the Government of the United States, and that I am persuaded that the terms of the agreement so happily concluded by the recent negotiation, will be strictly fulfilled on the part of His Majesty. The internal evidence of the order itself would fully justify the foregoing construction, and, moreover, it will not have escaped your notice, that the repeal has not thereby been made of the orders of the 7th of January, 1807, which, according to the engagement I have entered into on the part of His Majesty, is to be abrogated with the other orders, in consequence of the adjustment of differences between the two countries, and the confidence entertained of a further conciliatory understanding."

Thus it appears that Mr. Erskine, from communications, subsequent to the 26th of April, from this Government, is decidedly of opinion that he acted within the pale of his instructions. His language is free from ambiguity. He says : "In consequence of official communications sent to me from His Majesty's Government, since the adoption of the order of the 26th of April, I am enabled to assure you it has no connection whatever with the terms of agreement concluded by the recent negotiation." Nothing can be clearer than that his opinion was made up on a full consideration of all the instructions received by him from his Government. This must be

evident to the most superficial observer on reading the following extract from a letter of the 14th August, 1809, addressed by him to the Secretary of State. It is as follows :

"Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 28d of January, (which formed but one part of his instructions to me,) in the formal manner required, I considered that it would be in vain to lay before the Government of the United States the despatch in question, which I was at liberty to do *in extenso*, had I thought proper. But as I had such strong grounds for believing that the object of His Majesty's Government could be attained, though in a different manner, and the spirit, at least, of my several letters of instructions be fully complied with, I feel a thorough conviction on my mind that I should be acting in conformity with His Majesty's wishes, and, accordingly, conclude the late provisional agreement on His Majesty's behalf with the Government of the United States."

The British Government could not, from this view, disavow the act of its Minister without incurring, and that justly, the charge of bad faith. To give support and nerve to this inference, I will read a passage from an author of great celebrity, *Burlamaqui*. The author says : "If he who has a commission to treat has kept within the bounds of the power annexed to his office, though he acts contrary to his private instructions, the sovereign is to abide by what he has done; otherwise, we could never depend on engagements contracted by proxy." This authority is full, and in point; it covers the whole ground; it leaves no fissures through which crafty politicians can make an escape. On the reputation of the British Government it fixes a blot which nothing short of the power of time can efface.

Past transactions are worthy of remembrance, and sometimes of repetition. The chameleon may take the hue of surrounding objects, but his change of color does not new-model his figure, form, or character.

Let us, for a moment, bring to our recollection the occurrences which took place, and the orthodox opinions which were held, at the time when the honor and dignity of this nation were deeply wounded, (a wound not yet healed,) in the attack of the Chesapeake; when the blood of American citizens was wantonly shed, and when the British squadron, after the commission of an act so atrocious, in violation of the jurisdiction of the United States, anchored in Hampton Roads and interrupted the regular communication between Norfolk and other places. After having taken a review of facts, let us compare the opinions of that day with those subsequently delivered; and, by the standard of consistency, test them.

The President, soon after the commission of those outrages, issued his proclamation, interdicting the entrance of the waters of the United States to the public armed vessels of Great Britain. That act of the President was considered as just and proper, as flowing from moderation

and wisdom. The propriety of it was defended on the declaration to the Executive by Mr. Erskine, that it was his firm belief that Admiral Berkeley had acted without orders. Keep in force the proclamation, was the language of that memorable day, until reparation, ample and satisfactory, should be made. Such was the state of the public mind. Mr. Rose arrived; his mission, instead of having the salutary tendency of removing the irritations excited, was eminently calculated to nurture and increase them. Insults were added to injuries. Before he would deign to make known to the President the nature and extent of the reparation he was authorized to offer, he demanded the revocation of the President's proclamation; in plain terms informing this nation that its Government should make concessions to His Majesty for using precautionary measures against the lawless acts of his officers, as a prerequisite to a tender of the reparation His Majesty had condescended through him to offer. This new mode of redress proving no ways satisfactory, Mr. Rose's mission terminated. No sooner was it known that the negotiation with Mr. Rose proved abortive, in consequence of the inadmissible demands made by him, as already stated by me, than the President was openly accused as being the cause of it, by adhering to a "mere punctilio."

Thus, sir, we see, that no Republican President can do right, when his actions are viewed through the medium of party spirit.

Mr. STANLEY said he did not flatter himself he could add any thing to the information which the House already possessed on this subject. Yet, as a measure was about to be adopted, which, without the possibility of yielding any advantage, would, in his opinion, fix a stain on the national character, and put at hazard the peace and prosperity of the country, he felt impelled by the imperious call of duty, to raise his feeble voice against it. Permit me here, said Mr. S., to express the surprise and regret with which I have heard observations from those who support the resolution, which, having no connection with the resolution itself, are calculated, if not intended, to excite the passions of the House or of the people; to furore the public mind; to mislead our judgments in deciding the question, and to obtain a result rather from passion than reason. I allude to the repeated recital of British outrages, the bombardment of Copenhagen, and the attack on Constantinople. A calm discussion of the question itself, would probably lead to as correct a decision, and be not less honorable to the American Congress. The danger of foreign influence has been mentioned to us, by way of caution, I presume. A solicitude on this point can be but commendable, though I hope unnecessary. It may be the fate of this country to be cursed with men whose ill-directed ambition, and predominant selfish views, lead them to support the interest and the designs of foreign nations, though adverse to the interests and honor

of their own. If such there be, let them be marked as objects of suspicion, scorn, and contempt.

It has also been the fate of other countries, and may be the misfortune of this, to possess in its bosom, and to cherish in its confidence, men, who from an equally base and corrupt self-love and ill-directed ambition, become supple courtiers, political sunflowers, cringing demagogues; who, worshipping the idol power, whether in the hands of a military commander, a protector, or a consul, tender an implicit obedience and united support to every measure which emanates from the Executive, the source of office and profit. Such men bring upon a country the curses of undue domestic influence. Not to know and not to fear the dangers both of foreign and domestic influence, is to close our eyes on the light of history, and to disregard the testimony of ages. The States of Greece, as the gentleman from Virginia (Mr. EPPES) reminds us, fell from foreign influence; the unhappy Kingdom of Spain at this moment groans and bleeds from the same cause. And, sir, from domestic influence, Rome had her Cæsar, England her Cromwell, and France now drags the chains of Bonaparte. Should it ever become the settled doctrine in this country, that the opinions and the measures of the Executive are entitled to our prompt acquiescence and blind support; that, like the devoted soldier, a mere military machine, we are not to pause over a vote; that free discussion of the merits of the Executive shall authorize suspicion of the purity of the citizen; the time will be fast hastening when a throne shall be erected upon the ruins of the Constitution of the United States, and the name of America be added to the list of those Republics which have "risen like the rocket, and fallen like the stick." Whether either of these parties exist in this country, I need not at this time inquire; no circumstance could render such an inquiry in this place other than unpleasant. I have suggested the possibility of their existence, and their evils, with a view equally pure, I hope, with that of those who have before alluded to them, and to excite a caution which well merits the attention of the American people.

Associated in this House with gentlemen, all of whom, I am to presume, are actuated by the same love of country; who alike feel the obligations of honor, conscience, regard to the constitution and responsibility to our constituents—I cannot but believe they act on this occasion with motives as pure as my own. Yet, sir, feeling myself bound by these high sanctions to pursue the course pointed out by my own judgment, and the dictates of my own conscience, I am compelled to declare, that I disapprove the conduct of the administration in the affair with Mr. Jackson, and that I am decidedly opposed to the resolution before us.

From the view I have taken of the correspondence between Mr. Smith and Mr. Jackson, my mind is satisfied—

That the letters of Mr. Jackson do not con-

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tain the insult to our administration which is imputed to them by the resolution. That, if they did, the Congress of the United States are not required either by duty or policy to interfere in the business—and that if they will interfere, the resolution under consideration is improper. On each of these points I will submit a few observations.

In regard to the insult said to be contained in Mr. Jackson's letters, my remarks shall be brief, with no other reference to the letters already so often repeated, as to have become "dull as a tale twice told," than I may conceive necessary to be intelligible. The offensive idea "that the Executive Government of the United States had a knowledge that the arrangement lately made by Mr. Erskine in behalf of his Government with the Government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose," is said in the resolution to be conveyed in Mr. Jackson's letter of the 23d of October, and to be repeated in that of the 4th of November. Yet, as if it was on all hands admitted that no such idea could be found in these letters, all who have most anxiously desired to find it, have endeavored to establish it by recurring to Mr. Jackson's letter of the 11th of October, and there point us to that part of the letter, where Mr. Jackson, in reply to Mr. Smith's declaration, that an explanation was expected of the grounds of the disavowal by His Britannic Majesty of the arrangement made between Mr. Smith and Mr. Erskine, informs Mr. Smith, that he had seen with pleasure the forbearance of Mr. Smith, to complain of this disavowal, "inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act done under such circumstances as could only lead to the consequences that have actually followed." He adds, "It was not known when I left England whether Mr. Erskine had, according to the liberty allowed him, communicated to you *in extenso* his original instructions; it now appears that he did not. But in reverting to his official correspondence, and particularly to a despatch addressed on the 20th of April to His Majesty's Secretary of State for Foreign Affairs, I find that he there states, that he submitted to your consideration the three conditions specified in these instructions, as the groundwork of an arrangement which, according to information received from this country, it was thought in England might be made, with a prospect of great mutual advantage. Mr. Erskine then reports, *verbatim et seriatim*, your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been concluded between you that these latter were an equivalent for the original conditions; but the very act of substitution evidently shows that those original conditions were in fact very explicitly communicated to you, and by you of course laid before the President for his consideration. I need hardly add, that the

difference between these conditions and those contained in the arrangement of the 18th and 19th of April, is sufficiently obvious to require no elucidation; nor need I draw the conclusion, which I consider as admitted by all absence of complaint on the part of the American Government, viz: that under such circumstances His Majesty had an undoubted right to disavow the act of his Minister."

As the offensive idea is alleged to be an allusion to the circumstances under which the arrangement with Mr. Erskine was concluded, which justified the King in disavowing it; intimated to be known to our administration at the date of this letter; it is necessary to search, from the evidence before us, what those circumstances were upon which the King justified his disavowal; these found, we shall be at no loss to fix Mr. Jackson's allusion, and then to inquire whether these circumstances thus alluded to, were in fact known to our administration. It appears from the documents before us, that the King's Order in Council of the 24th of May, 1809, announcing the provisional agreement concluded by Mr. Erskine and the disavowal of it, assigns as the sole ground of the disavowal, that the said agreement "was not such as was authorized by His Majesty's instructions." And Mr. Pinkney, on the 28th of May, informs Mr. Smith that the British Minister, Mr. Canning, had in their interview on the 25th of May declared "that the British Minister (Mr. Erskine) had acted in his late negotiation and engagements with you, not only without authority, but in direct opposition to the most precise instructions;" that these facts were communicated by Mr. Pinkney, and known to our administration before the arrival of Mr. Jackson, appears from the correspondence between Mr. Smith and Mr. Erskine in July and August. Mr. Jackson also, in his letter of the 11th of October, says that his Government "with frankness, promptitude, and a most scrupulous regard to national honor, gave notice to the American Minister in London of the disavowal, of the motives of it, and of the precautions spontaneously taken by His Majesty to prevent any loss or injury accruing to the citizens of the United States from an agreement, however unauthorized, made in His Majesty's name." And in his letter to Mr. Smith, 23d of October, explicitly declares "His Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it." And to dispense with a recital of each particular in which the instructions were disregarded, Mr. Jackson adds, "These instructions I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th instant, were at the time in substance made known to you; no stronger illustration, therefore, can be given of the deviation from them which occurred, than by a reference to the terms of your agreement."

We thus find the British Government on every occasion, and through every agent, assigning the violation of instructions, and the want of authority in Mr. Erskine to conclude the agreement, as the sole ground of the disavowal, and relying on that ground, and no other, to shield them from the charge of perfidy. With this evidence before us; with the admission of Mr. Jackson "that the instructions were not made known *in extenso*," with the correspondence of Mr. Smith and Mr. Erskine showing the knowledge of our administration of the instructions to Mr. Erskine and of the grounds of the disavowal of his arrangement prior to the arrival of Mr. Jackson in the United States, does it consist with candor and good sense; is it not a palpable violation of both, so to torture the language of Mr. Jackson in his letter of the 11th of October, in allusion to the circumstances which "could only lead to the disavowal," and to the knowledge of them by our administration, which prevented their complaints to him on his arrival, as to make them convey an idea that a distinct and different ground of disavowal existed than that which his Government and himself had before repeatedly assigned; to impute to him the insinuation that the restricted authority of Mr. Erskine was known at the time of the arrangement, when he had explicitly declared "that the instructions were not made known *in extenso*," and thus to fix upon him the absurdity of contradicting himself?

Such construction, and such an imputation, in my opinion, is at war with every sound rule of construction, and every honorable principle of just and fair dealing. It is worthy the observation of those gentlemen who so clearly see an insult in this letter of the 11th of October, that they have found what had escaped the jealous perspicacity of Mr. Smith, and the patient research of the draughter of the resolution; since Mr. Smith, in his reply of the 19th of October, gives no intimation of any thing offensive in this letter, and the resolution confines the insulting idea to the letter of the 28d of October. We come now to the letter of the 28d of October, in which, according to the resolution, is contained the "insolent and indecorous expressions, conveying the idea that the Executive Government of the United States had a knowledge that the arrangement lately made by Mr. Erskine with the Government of the United States was entered into without competent power on the part of Mr. Erskine." The offensive idea is said to be found in the following part of Mr. Jackson's letter: "I have no hesitation in informing you that his Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions, I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th instant, were at the time in substance made known to you; no stronger

illustration, therefore, can be given of the deviation from them which occurred than by a reference to the terms of your agreement." There is no equivocation in this language. He says the instructions were made known *in substance*—an expression which from its very terms excludes the idea of being made known in full extent; and that it is true, as Mr. J. here alleges, that the substance of Mr. Erskine's instructions were made known, appears from Mr. Smith's letter of the 19th of October. "Certain it is that your predecessor did present for my consideration the three conditions which now appear in the printed document; that he was disposed to urge them more than the nature of two of them (both palpably inadmissible, and one of them more than merely inadmissible) could permit, and that on finding his first proposals unsuccessful, the more reasonable terms comprised in the arrangement respecting the Order in Council were adopted." And Mr. Erskine himself declared to his Government, 20th of April, as stated by Mr. Jackson to Mr. Smith, 11th of October, and not questioned by him, "that he had submitted to the consideration of Mr. Smith the three conditions specified in his instructions; as the groundwork of an arrangement," and adds the reasons which induced Mr. Smith to think "that others might be substituted in lieu of them." These expressions of Mr. Jackson are unequivocal, free from obscurity, and cover no insinuation. They assert a single fact, the existence of which is established by the letters of Mr. Smith himself. To find in them a meaning "conveying the insolent and indecorous idea that our Government knew of Mr. Erskine's restricted authority," is to give to language a signification different from that heretofore received, and to exert a strength of imagination to which I have no pretensions. But in the letter of Mr. Jackson of November 4th, is said, by the resolution, to be found "the still more insolent and affronting" repetition of the same insinuation. In the conclusion of this letter Mr. J. complains, not intemperately, of the liberty Mr. Smith claimed of styling his remarks "irrelevant and improper," a freedom which I should regret to believe would be justified by our Secretary's ideas of decorum. Mr. Jackson concludes in the words which are said to contain this offensive repetition of the imaginary insult: "You will find in my correspondence with you, that I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation where I was unable to substantiate a fact."

If Mr. Jackson had really uttered an unfounded insinuation, he here certainly repeats it, because he adheres to all he had before said, and retracts nothing. But if, as I believe, he had not made any insinuations, but had directly and obviously referred to facts which were either admitted or had been substantially proved, and more especially as he has not anywhere made the insinuation charged, "that our Government

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were acquainted with Mr. Erskine's restricted authority," the conclusion seems to be irresistible, that he could not here repeat an insinuation which he had not previously made. This paragraph obviously means that he had abstained from such an insinuation because "he was unable to substantiate the fact." Nor can I conceive how this declaration could be offensive to Mr. Smith, unless received by him as presenting a contrast to his own deportment, in which case he owes his feelings to his own conscious sensibility.

Were it, however, otherwise, and if, instead of an *insinuation* so hidden that a Secretary of State only can discover it, Mr. Jackson had given a direct and unequivocal insult, the Congress of the United States are not required either by duty or policy to interfere. The constitution has wisely created different branches of the Government, committed to each its separate cares and duties, made each independent of the other, intending thereby to secure the separate deliberation and separate responsibility of each. To attain its blessings, these valuable objects of the constitution ought not to be defeated. To the President alone is given the power to receive Ministers and to treat with them, and as in the course of this duty he becomes personally interested in the deportment of foreign Ministers, if they demean themselves disrespectfully towards him, he is clothed with the power to break off intercourse with them at pleasure, and so far to suspend their ministerial functions. This power has been repeatedly exercised by our Presidents, as the constitution intended it should be, upon their own responsibility. And it is the highest policy of this Government, in order to obtain the advantages of the free judgment and decision of the President, so to conduct towards him that he should learn to act without fear of the censure of Congress on the one hand, and without any hope on the other, that their countenance shall shelter his measures from scrutiny. This policy, and the strict inviolability of the Executive power in all cases of treaty, were emphatically settled in the case of Jay's Treaty, in which the President, (whose independent example deserves more respect than it has met from his successors), standing upon his own responsibility refused to submit to the House of Representatives any papers relating to that negotiation, except the treaty itself. Yet if the plan proposed by these resolutions be adopted; if we by formal resolutions approve the conduct of the President in an affair so exclusively his own, as that of the rupture with Mr. Jackson, may we not on some future occasion, as observed by my honorable colleague, (Mr. Macon,) claim the right of censuring in matters equally within his sole and peculiar province? If, then, we are to interfere with Executive duties, not merely as sycophants, applauding his every act, but as freemen condemning what we do not approve, the inevitable consequence must be, a conflict between the Executive and Legislative Departments, in

which the wounds of either can only be inflicted through the constitution; or (an issue equally fatal) the advantages intended to be derived from separate deliberation, distinct responsibility, and mutual jealousy and watchfulness of the separate departments disappear, in a miserable complaisance of acting by previous concert, and thus propping each other before the people.

The question was then taken on postponement as moved by Mr. GARDENIER, and negatived without a division.

And at length, at half past five o'clock, the main question on the final passage of the resolution was taken and carried—yeas 72, nays 41, as follows:

YEAS.—Lamuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Deashe, John W. Eppea, William Findlay, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, jr., Peterson Goodwyn, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Robert Jenkins, Richard M. Johnson, Thomas Kenan, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton, John Nicholson, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erasmus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Dennis Smelt, John Smilie, George Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Robert Weakley, Robert Whitehill, and Robert Witherspoon.

NAYS.—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Barent Gardenier, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, jr., Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Nathaniel Macon, Archibald McBryde, Jonathan O. Mosely, Jos. Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elieha R. Potter, Josiah Quincy, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

[On this vote were absent 27 members, viz: Messrs. CAMPBELL, CLOPTON, COOK,\* CRIST, DENNING,\* GOLDSBOROUGH, GRAY, HEISTER, J. G. JACKSON, JONES, Key, LYON,\* MATTHEWS, MILLER, T. MOORE, MUMFORD,\* NELSON, RANDOLPH,\* SAWYER, SHAW, SHEFFET, J. Smith, S. SMITH, Troup, VAN DYKE,\* Van Horne, and WYNN\*; of whom those marked (\*) have not appeared in their seats during the present session, and those in *italic* are known to be absent from the city.]

The House then adjourned, at a quarter be-

fore six, after a session of nineteen hours, during the whole of which time the Speaker presided in the Chair with dignity and moderation, to Friday next.

#### FRIDAY, January 5.

Another member to wit, from Delaware, NICHOLAS VAN DYKE, appeared, and took his seat in the House.

#### *Claim of Elizabeth Hamilton.*

Mr. JOHNSON, from the Committee of Claims, made a report on the petition of Elizabeth Hamilton, referred on the 5th ultimo; which was read, and referred to a Committee of the Whole on Wednesday next. The report is as follows:

That it is stated by the petitioner, that her late husband, Alexander Hamilton, served as Lieutenant Colonel in the Army of the United States during the Revolutionary war; that, in common with other officers he was entitled to five years' full pay as commutation for half-pay during life; that her husband, being in Congress at the time the resolution passed making this provision in favor of the officers of the Revolution, in a letter to the Secretary of War he relinquished his claim to commutation; and the petitioner prays for the amount of said commutation. It does not appear, from any evidence from the Secretary of War or of the Treasury, that the late Colonel Hamilton ever did relinquish his right to half-pay or commutation, nor can the committee believe that it would be proper or generous that such relinquishment should be relied on as a bar to a just claim upon the United States for meritorious services against the representatives of such claimant. It appears, from a letter from the Secretary of the Treasury, that the late Colonel Hamilton received pay as an officer up to the end of February, 1782, and no later. And there is no evidence upon the Treasury books, or books of the War Office, whether at this or what period Colonel Hamilton resigned. The committee, however, have been furnished with a document, which induces the belief that Colonel Hamilton did not resign his commission until after the 28th day of October, 1783, which document is in these words: "In pursuance of an act of Congress of the 30th day of September, 1783, Lieutenant Colonel Hamilton is to take rank as Colonel by Brevet, in the Armies of the United States of America. Signed at Princeton, October 28, 1783, by Elias Boudinot, President," &c.

The committee are of opinion, that the resolution of Congress, upon a liberal construction, did not require actual service, and that the officer should be in the receipt of his pay to entitle him to commutation; but that he should have a commission, and be at all times liable to be called on to perform the duties of his station. The committee are confirmed in this opinion, when they recollect the situation of the United States and the Army in the year 1783, and in fact, from the capture of Cornwallis and his Army at Little York, in the State of Virginia, in the year 1781. But this claim is, like all other claims of this description, barred by the statute of limitation. The following resolution is offered:

*Resolved*, That the prayer of the petition ought not to be granted.

#### MONDAY, January 15.

Two members, to wit: from New York, GURDON S. MUMFORD, and from Kentucky, MATTHEW LYON, appeared, and took their seats in the House.

#### TUESDAY, January 16.

Another member, to wit, from South Carolina, RICHARD WYNN, appeared, and took his seat in the House.

#### WEDNESDAY, January 17.

A new member, to wit, DAVID S. GARLAND, returned to serve as a member of this House for the State of Virginia, in the place of Wilson Carey Nicholas, resigned, appeared, produced his credentials, was qualified, and took his seat.

#### WEDNESDAY, January 31.

#### *Officers of the Revolution.*

Mr. NELSON, from the committee appointed on the twenty-fourth instant, made a report on the several petitions of the surviving officers of the late Revolutionary Army; which was read, and referred to a Committee of the Whole on Monday next. The report is as follows:

That, by a resolution of Congress of the 15th of May, 1778, all military officers who then were, or should thereafter be, in the service of the United States, and who should continue in service during the war, and not hold any office of profit under the United States, or any of them, should, after the conclusion of the war, be entitled to receive, annually, for the term of seven years, if they should live so long, one-half of the then pay of such officers: provided that no general officer of the cavalry, artillery or infantry, should be entitled to receive more than the one-half part of the pay of a colonel of such corps, respectively; and, provided that the said resolution should not extend to any officer in the service of the United States, unless he should have taken an oath of Allegiance, and should actually reside within some one of the United States.

That, by a resolution of Congress of the 11th of August, 1779, it was resolved that the half-pay provided by the aforesaid resolution of the 15th of May, 1778, should be extended to continue for life.

That, by a resolution of Congress of the 21st of October, 1780, it was provided that the officers who should continue in the service to the end of the war should be entitled to half-pay during life, to commence from the time of their reduction.

That, by a resolution of Congress of the 17th day of January, 1781, all officers in the hospital department, and medical staff, thereafter mentioned, who should continue in service until the end of the war, or be reduced before that time as supernumeraries, should be entitled to receive during life, in lieu of half-pay, the following allowances, viz: The director of the hospital, equal to the half-pay of a lieutenant-colonel; chief physician and surgeons of the army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half-pay of a captain.

That, by a resolution of Congress of the 22d day of March, 1783, it was provided that such officers as were then in service, and should continue therein



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until the end of the war, should be entitled to receive the amount of five years' full pay in money, or securities on interest at six per centum per annum, as Congress should find most convenient, instead of the half-pay promised for life by the resolution of the 21st day of October, 1780; the said securities being such as should be given to the other creditors of the United States: provided it should be at the option of the lines of the respective States and not of officers individually in those lines, to accept or refuse the same; and provided, also, that their election should be signified to Congress, through the Commander-in-Chief, from the lines under his immediate command, within two months, and through the commanding officer of the Southern Army, from those under his command, within six months from the date of the resolution.

That the same commutation should extend to the corps not belonging to the lines of any particular State, and who were entitled to half-pay as aforesaid: the acceptance or refusal to be determined by the corps, and to be signified in the same manner, and within the same time, as above mentioned; that all officers belonging to the hospital department, who are entitled to half-pay by the resolution of the 17th of January, 1781, might collectively agree to accept or refuse the aforesaid commutation, signifying the same through the Commander-in-Chief, within six months; that such officers as had retired at different periods entitled to half-pay for life, might, collectively, in each State of which they are inhabitants, accept or refuse the same; their acceptance or refusal to be signified by agents authorized for that purpose, within six months; that with respect to such retiring officers, the commutation, if accepted by them, should be in lieu of whatever might be then due to them since the time of their retiring from service, as well as what might thereafter become due; and that as soon as their acceptance should be signified, the Superintendent of Finance should be, and he was thereby, authorized to take measures for the settlement of their accounts accordingly, and to issue to them certificates bearing interest at six per cent.; that all officers entitled to half-pay for life, not included in the preceding resolution, might, also, collectively, agree to accept or refuse the aforesaid commutation, signifying the same within six months from the passage of said resolution.

The petitioners state, and the fact is of too general notoriety to be disputed, that although they confidently expected, at the time they were compelled from imperious necessity to accept the sum in gross in lieu of half-pay for life, that it would be paid to them in reality, and not by a fresh promise without any sufficient guarantee for its due performance, yet they were compelled to receive certificates, which, for want of any specific provision for the payment of them, or the interest accruing on them, were immediately depreciated to five for one, and, by degrees, to ten for one, in exchange for money. They therefore pray that half-pay for life, to commence from the time of the reduction of the Army, may be granted to them, according to the solemn stipulations entered into with them by Congress, by the resolutions before referred to; deducting therefrom the five years' full pay received by them in depreciated paper, by way of commutation.

It is well known to your committee, and to the whole nation, that the far greater part of the officers were compelled by hard necessity to dispose of their commutation certificates at prices infinitely below

their nominal amount; that this did not proceed from want of patriotism, of which they had beforehand given proofs most unequivocal, or of want of confidence in their Government; but that, after having spent the vigor of their manhood in the service of their country, they returned to the walks of civil life, (many of them maimed, and scarcely able to halt along,) ignorant of what was passing or likely to pass in the councils of their country; the gripping hand of poverty bore hard upon them; and, unacquainted as they necessarily were with civil affairs, they fell an easy prey to the wiles of the artful and insidious speculator, who was lying in wait to fatten upon their hard earnings. Under circumstances like these, it would have been strange indeed, if they had kept their certificates in their pockets. No, the thing was impracticable; go they must, for whatever they would bring, and be the consequences whatever they might.

Upon the whole, the committee are of opinion that the contract entered into by Congress with the officers of the late Revolutionary Army, for giving them half-pay for life, has not been substantially complied with by the Government. They, therefore, recommend the following resolution:

*Resolved*, That the prayer of the petitioners is reasonable, and ought to be granted.

FRIDAY, February 9.

*Robert Fulton and Torpedoes.*

The following letter was laid before the House:

"KALORAMA, February 9, 1810.

"SIR: Having published a pamphlet explaining my experience on the practice and effects of torpedoes, I beg leave to present you, and each member of the House of Representatives, one copy. Should the House consider this subject of sufficient interest to merit further explanation, I shall be happy to give a lecture at such time and place as may be most convenient, in which I will exhibit the various modes of attack with torpedoes and harpoon guns, as prepared for action, with such models and demonstrations as will lead to a clear understanding of the subject.

"I have the honor to be, &amp;c.,

"ROBERT FULTON.

"Hon. SPEAKER House of Reps."

Leave was given to present the pamphlets mentioned in the above letter, as requested.

*Navigation of the Mobile.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the House of Representatives of the United States:*

I transmit to the House a report of the Secretary of State, complying with their resolution of the 22d of January.

JAMES MADISON.

FEBRUARY 9, 1810.

DEPARTMENT STATE, Feb. 8, 1810.

The Secretary of State, to whom the President has been pleased to refer the resolution of the House of Representatives of the 22d of last month, has the honor to state that it appears from the records in this department, that in the years 1801 and 1802, the Executive had endeavored to obtain, for the citizens of the United States residing on the waters of Tombigbee and Alabama rivers, the free navigation of the Mobile river to its confluence with the ocean—first,

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*Torpedoes.*

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by claiming this navigation as a natural right, sanctioned by the general principles of the law of nations applicable to rivers similarly situated; and, secondly, by endeavoring to purchase the country held by Spain on the Mobile.

These efforts were made before it was known that Spain had ceded Louisiana to France, and consequently before the purchase of that province by the United States. Since that purchase, the country held by Spain on the Mobile has been claimed as being included therein.

The Spanish Government, having objected to this claim in a manner which justified a belief that the question would not be soon decided, our Minister at Madrid was instructed again to claim the free navigation of the Mobile under the general principles of the law of nations, and to represent to His Catholic Majesty the propriety and necessity of giving orders to his officers not to interrupt the free communication with our Territories through the waters of the Mobile.

In addition to what has been done through this department, it appears that the Governor of the Orleans Territory, and other officers of the United States, have endeavored to induce the Spanish authorities on the Mobile to abstain from exacting duties on the passage of our merchandise or produce up or down that river. Notwithstanding, however, every thing which has been done, it is understood that these authorities have continued to exact (with some occasional relaxations) a duty of twelve per cent. "on all articles of the growth or manufacture of the United States, which are conveyed through said river to and from the city of New Orleans."

All which is respectfully submitted.

R. SMITH.

MONDAY, February 12.

*Torpedoes.*

Mr. DAWSON.—On hearing the Journal read, I find that on last Friday a letter was received by the Speaker from Mr. Fulton. What merit is due to his invention I will not pretend to say; but I know Mr. Fulton to be a man of science and successful experiment; of which he has given proofs, both in Europe and this country. It seems to me that some attention ought to be paid to his communication. I therefore move you that his letter be referred to a select committee.

Mr. DAWSON's motion was agreed to, and a committee appointed, consisting of Messrs. DAWSON, TAYLOR and BACON.

WEDNESDAY, February 14.

*Torpedoes.*

Mr. DAWSON made the following report:

The committee to whom was referred a letter from Robert Fulton to the Speaker of the House of Representatives, dated on the 9th instant, beg leave to report, in part, that at their request Mr. Fulton attended the committee on this morning, and explained to them his views of the uses and effects of torpedoes, on which the committee forbear to give an opinion, and offer the following resolution:

*Resolved*, That, when the House shall adjourn on Friday next, it will adjourn to meet on Monday; and that Mr. Fulton have the use of this Hall on Satur-

day, for the purpose of exhibiting the torpedoes and delivering a lecture on their practice and utility.

Mr. RHEA moved to recommit the report to the committee who reported it, with a view to obtaining a report on the merits of it.—Motion negatived.

Mr. LIVERMORE called for a division of the resolution reported by the committee, so as to take a question separately on the words, "*Resolved*, That, when the House shall adjourn, it adjourn to meet on Monday."

The question on this part of the resolution was decided by yeas and nays—yeas 90, nays 29.

Mr. LIVERMORE moved to postpone the further consideration of the subject indefinitely.

A desultory debate took place on these various questions. It was said that the Hall of the House of Representatives was exclusively appropriated to Legislative purposes, and that, at this time, to appropriate it to the purpose of experimental lectures, would afford a precedent which would be injurious; that such a measure, if admissible at all, should not be taken unless the House were convinced of the practicability of the system proposed to be illustrated, because it would hold out the idea that the House of Representatives had sanctioned it. It was also said that this system could quite as conveniently be illustrated in one of the other apartments of the Capitol, without spreading on the Journals a formal record allowing Mr. Fulton the use of this House. In reply, it was said, that this was an invention which promised to be of great public utility, and it was but reasonable, as the inventor was known to be a scientific man, that he should have an opportunity of demonstrating its efficacy, when he has offered his services for that purpose. If it succeeded, it might be a saving of many millions to the United States; and if it failed, the House would, by paying attention to it, have shown their disposition to encourage science. The argument against the report of the committee, that this Hall was exclusively devoted to legislation, it was said, would operate with equal force against permitting Divine service to be performed there on Sundays.

Before any question was taken on the latter clause of the report of the committee, the House adjourned.

THURSDAY, February 15.

*Torpedoes.*

A motion was made by Mr. BURWELL, that the unfinished business of yesterday do lie on the table; and the question being taken thereon, it was determined in the negative.

The House then resumed the consideration of the said unfinished business, and the question recurring on the motion to postpone indefinitely the further consideration of the second member of the resolution, Mr. SPEAKER decided that the said motion to postpone indefinitely was, at the time the same was under consideration, out of order.

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*Bank of the United States.*

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A motion was then made by Mr. Ross, to amend the said resolution by striking out the words, *desires a lecture on*, for the purpose of inserting the word *explaining*. And the question being taken thereon, it was resolved in the affirmative.

The question was then taken upon concurring in the second and last member of the said resolution, and determined in the negative—yeas 55, nays 61.

On motion of Mr. TROUP, the question was then stated on concurring in the first and second members of the said resolution; when Mr. SPEAKER decided that, a question being divided, one part affirmed and the other rejected, a question cannot be put upon the whole of the resolution as originally proposed. From which decision of the chair, an appeal was made to the House by Mr. TROUP, and being seconded, the question was taken, "Is the decision of the Chair correct?" and resolved in the affirmative—yeas 78, nays 21.

FRIDAY, February 16.

*Mrs. Hamilton's Claim.*

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Elizabeth Hamilton, widow of Alexander Hamilton, praying for the compensation due to her deceased husband.

[This report is one of the class of those favorable to the prayers of the petitioners on grounds of equity, but declaring, because they are barred by the statute of limitations, that they, therefore, ought not to be granted.]

The resolution reported by the Committee of Claims is as follows:

"Resolved, That the prayer of the petitioner ought not to be granted."

The report was supported by Messrs. MONTGOMERY, VARNUM, HELMS, and BACON, on the ground that the late General Hamilton had no claim on the Government under the resolutions of the old Congress; because he was, on the 25th of November, 1782, a delegate in Congress, and, by the 6th article of the Confederation, incapable of holding, at the same time, a military commission. He was in that Congress, a member (if not the chairman) of the committee which reported the resolutions under which his heirs are now said to be entitled to compensation. Had no statute of limitations ever been passed, therefore, it was said that General Hamilton or his heirs had no claim on the Government; because in accepting a seat in Congress, he had virtually resigned his commission before the close of the war. The case might be a hard one; but there were hundreds of cases at least equally so, and cases too in which the sufferers had not, as General Hamilton had, subsequently enjoyed lucrative employments by the favor of his country. It was said that Congress ought to be just before they were generous. Before they granted a claim of this doubtful character, influenced by

the character or standing of the individual, they should relieve the impoverished old soldiers who daily begged of them for a pittance of bread, whose claims were equally just and whose necessities were much more pressing.

Mr. BOYD spoke in favor of the report of the committee. Either the statute of limitations was just or it was unjust. If unjust, it ought to be repealed; if just, Congress ought to be careful how they made exceptions in favor of particular claims.

Messrs. JOHNSON, GHOLSON, DAWSON, SHEPHERD, GOLD, KEY, PITKIN and GARDENIER, opposed the report of the committee. It was said that General Hamilton's having received a brevet commission at the close of the war was evidence of his having been considered in service until the end of the war; for unless he had, such a commission could not have been issued to him. But a short time before the peace, he was seen at the head of his regiment gallantly storming a redoubt at the siege of York, and contributed not a little to the capture of Cornwallis and his army. By accepting a seat in Congress he did not resign his commission, but held himself liable to be called into service at any time, if necessary. But if he had, from the best of motives, accepted a seat in Congress, and thereby resigned his commission, it was said that his heirs ought not, therefore, to be deprived of the compensation equitably due to him. Congress had extended the hand of relief to the daughters of Count de Grasse, who had no shadow of a legal claim; but their father had assisted by sea, as General Hamilton did on the land, at the capture of Cornwallis; they were in this country in distress, and Congress had relieved them. Should the same relief be denied to the representatives of a citizen who had served during the war, and whose legal claim, if barred at all, (except by the statute of limitations,) was only barred by his zeal in the service of his country, which prompted him to accept a seat in Congress? The statute of limitations, it was said, was never intended to bar Congress from discharging a just claim, but merely to prevent the accounting officers of the Treasury from allowing all the old, and perhaps fraudulent claims which might have been pressed upon them. Every gentleman who spoke, dwelt upon the obduracy of heart and injustice, as it was termed, which could refuse to the claim of the war-worn soldier, the compensation due to him for his assistance in achieving the liberties of his country.

Before the question was taken on the report, the committee rose, reported progress, and obtained leave to sit again.

And the House adjourned to Monday.

MONDAY, February 19.

*Bank of the United States.*

Mr. MONTGOMERY, from the committee appointed, on the twenty-ninth ultimo, on the

memorial of the Stockholders of the Bank of the United States, made a report thereon; which was read, and referred to a Committee of the Whole to-morrow. The report is as follows:

That in proceeding to the consideration of the said petition, your committee instructed their chairman to address a letter to the Secretary of the Treasury, requesting him to furnish such information or observations as he might think proper, in relation to the subject-matter thereof, as connected with the financial and commercial interests of the United States. In reply to which, the Secretary, by his letter to the chairman, referred your committee to his former report on the said subject, made to the Senate of the United States, in obedience to the order of that House.

Your committee have been attended by agents of the petitioners, who, in addition to the matters contained in the petition, have suggested to your committee that the object of the petitioners was to obtain the renewal of the charter in its present form; that, for this renewal, the bank is willing to make compensation, either by loans at a rate of interest, or by a sum of money to be agreed upon, or by an increase of the capital stock, by a number of shares to be taken and subscribed for by the United States, to an amount adequate to the compensation to be agreed upon for such renewal.

These agents also suggested that they were fully authorized and empowered to offer and conclude the terms specifically connected with these propositions.

Your committee, not feeling themselves authorized to enter into such terms, and judging that the extent of those propositions would better apply to the details of a bill, than to the adoption of a principle to be first settled by the House, have, therefore, forborne to inquire into the extent of the propositions, and, without expressing an approbation or rejection of these offers, or giving an opinion as to the plan and reasoning of the Secretary of the Treasury, your committee in order that the opinion of the House on this great national question may be declared previous to entering into the details connected with the subject, recommend the following resolution:

*Resolved*, That it is proper to make provision for continuing the establishment of the Bank of the United States, with offices of discount and deposit, under the regulations necessary for the beneficial administration of the national finances, during such time, and on such conditions, as may be defined by law.

WEDNESDAY, Feb. 28.

*Amey Dardin.*

Mr. GHOLSON, from the committee appointed on the seventh of December last, on the petition of Amey Dardin, made a report thereon; which was read, and referred to a Committee of the whole House on Friday next.

The report is as follows:

That the petitioner claims compensation for a stud-horse, known by the name of Romulus, taken from her husband, David Dardin, in the year 1781, for the use of the army of the United States. It appears that the said horse was impressed from David Dardin for the public service by Lieutenant Rudder, a Continental officer, on the 26th of February, in the year aforesaid, and was then valued at the sum of £750 specie. The horse was taken to the army in North Carolina, then

commanded by General Greene, who, upon hearing of the valuation, ordered the said horse to be valued again, which valuation was still higher than the first; whereupon General Greene ordered the horse to be returned to his former owner, who called upon three persons to ascertain the damages sustained by the use of his horse, and they estimated the damages at £100. The said Dardin then received the horse as his property, and continued to use him as such until the 18th July, 1781, when another Continental officer again took the horse and gave a receipt for him, wherein the sum of £750 is mentioned as having been before stated as the appraised value. This procedure attracted the attention of the Executive of Virginia, and in December, 1782, Benjamin Harrison, then Governor, made a representation to General Greene respecting this subject; but the horse being by this time in the State of Georgia, and applied to the public service, was continued therein, finally disposed of, and never thereafter returned to the said owner. It also appears that this claim of Dardin was referred to the Virginia Assembly in 1782 by the court of Mecklenburg county; and, in a former report it is stated, and believed to be true, that Dardin accordingly petitioned the Legislature of that State; but his claim being considered as coming more properly against the Union than against any particular State, he did not succeed. He, or the present petitioner, was then advised that redress might be obtained against the officers who took the horse, and a suit was instituted in the High Court of Chancery of Virginia for that purpose, which suit was depending therein until the month of June 1793, when it appears to have been abandoned and was dismissed. With the exception of the fact which the committee have extracted from a former report in this case, that this claim was once presented to and rejected by the Virginia Legislature, (which is deemed a circumstance of no particular importance,) all the foregoing statement is supported by written documents, which appear to be genuine and authentic.

On the merits of this claim, your committee consider it almost superfluous to comment. The facts are conclusive in its favor, and no obstacle to its discharge can be conceived, except the lapse of time on this subject. The committee beg leave to state, that on the 28d July, 1787, Congress passed a resolution providing that all persons having unliquidated claims against the United States shall exhibit a particular abstract thereof to the Comptroller of the Treasury of the United States within one year. This was the first limitation that was adopted in respect to any class of claims, except those for personal services, which had been barred by the resolution of 2d November, 1786. The committee are of opinion that this claim was not included in the resolution of 28d July, 1787, because that resolution mentions only unliquidated claims; and the present claim was always liquidated and certain. The certificate granted by the Continental officer states the appraisement of the horse, made pursuant to the usage of the army, at the specific sum of £750 specie.

The next limitation to claims against the United States, and which it is believed by the committee embraces the claim of the petitioner, is contained in the act of the 12th February, 1793, which took effect on the 1st of May, 1794. On the 28th of February, 1794, the petitioner, instead of presenting her claim to the Treasury, according to the requisition of the statute of the 12th of February, 1793, presented it to Congress, who took cognizance of it, and ordered it

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*Claim for Indian Depredations.*

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to lie on their table. Her petition, and the only documents on which she could have succeeded at the Treasury, were retained in the possession of the House of Representatives until, and for some time after, the statute of limitations began to operate. Your committee have no hesitation in hazarding the opinion that in a case like this, between A and B, before an intelligent and upright, and equitable judge, the claim would be most undoubtedly sanctioned, as not coming within the spirit, although it may fall within the strict letter of the act of limitation.

Placing, however, this question out of view, the committee are still of opinion that the claim of the petitioner ought to be allowed. They believe that when a claim, founded in a fair consideration, and supported by indisputable evidence, is presented for payment, a proper self-respect on the part of the Government, as well as justice to the claimant, requires its discharge. They therefore submit the following resolution:

*Resolved*, That the prayer of the petitioner ought to be granted.

FRIDAY, March 2.

*Mrs. Hamilton's Claim.*

The House resolved itself into a Committee of the Whole on the following resolution reported by the Committee of Claims on the petition of Elizabeth Hamilton:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Messrs. NELSON and TAYLOR opposed, and Messrs. ROOR, BOYD, and MONTGOMERY, supported the report—each at considerable extent.

At length the question was taken in committee, and the report disagreed to, 60 to 52. The committee rose, and reported their disagreement.

The House concurred with the Committee of the Whole in their disagreement—yeas 62, nays 52.

After some conversation as to the proper course now to be pursued,

Mr. GHOLSON moved that the Committee of Claims be instructed to report a bill, pursuant to the prayer of Elizabeth Hamilton.

The motion was agreed to by yeas and nays—61 to 46.

FRIDAY, March 9.

The bill sent from the Senate, entitled "An act for the relief of Charles Minifie," was read twice, and committed to the Committee of Claims.

*Torpedoes.*

The bill from the Senate, entitled "An act making appropriation for the purpose of trying the practical use of the torpedo, or submarine explosion," was read the first time.

A motion was made by Mr. LIVERMORE, that the bill be rejected; and the question being taken thereon, it was determined in the negative—yeas 27, nays 76.

The bill was then read the second time, and committed to a Committee of the Whole on Monday next.

MONDAY, March 12.

Another member, to wit, from Virginia, JOHN RANDOLPH, appeared, and took his seat in the House.

WEDNESDAY, March 14.

*Claim for Indian Depredations.*

Mr. WITHERSPOON, from the committee appointed on the fourteenth ultimo, on the petition of Alexander Scott, made a report thereon, which was read, and referred to a Committee of the Whole on Friday next. The report is as follows:

That in the month of February, 1794, William Scott, James Pettigrew, and John Pettigrew, of South Carolina, left that State, with a view of establishing themselves in the present Mississippi Territory, and took with them twenty-one negro slaves, with goods and chattels to the value of more than one thousand dollars; that they proceeded in safety on their journey as far as the Muscle Shoals, on the river Tennessee, where they were attacked, about the 9th of June, 1794, by a party of Cherokee Indians, who put to death all the white people of the family, and took possession of and carried away the negroes and other property. It appears, also, to your committee, that repeated endeavors have been made, at very great expense, to recover the aforesaid property, without any other success than the recovery of a negro child; and that the persons legally entitled to the said property are forever foreclosed from any remedy by which to recover the same, in consequence of the stipulations of the ninth article of a treaty made with the Cherokee Indians on the 2d day of October, 1798, which article is in the following words: "It is mutually agreed between the parties that the horses stolen, and not returned within ninety days, shall be paid for at the rate of sixty dollars each. If stolen by a white man, citizen of the United States, the Indian proprietor shall be paid in cash; and if stolen by an Indian from a citizen, to be deducted, as expressed in the fourth article of the Treaty of Philadelphia. This article shall have retrospect to the commencement of the first conference at this place in the present year, and no further. And all animosities, aggressions, thefts, and plunderings, prior to that day, shall cease, and be no longer remembered or demanded on either side." By the above-recited article, the petitioners are wholly deprived of redress in the premises. If there existed any tribunal of justice before whom the case could be brought, the right of the petitioners to the said negro slaves and their increase would doubtless be established. But there is no court within the United States having cognizance of an action for the recovery of property held within the Indian boundary. Neither is it in the power of the petitioners to avail themselves of force or stratagem, whereby to regain possession of the aforesaid slaves and their increase, because they would be liable to punishment for a violation of the statute of the United States regulating intercourse with the Indian tribes. From these premises, it appeared to your committee that the petitioners have an undoubted right to the above-mentioned slaves and their increase, and that they have been deprived of all remedy for their recovery by the acts of the Government of the United States; that the voluntary renunciation of their rights by the Government gives to the petitioners a fair claim on the

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*Torpedo Experiment.*

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Government for indemnification. Your committee, therefore, under an impression that the aforesaid slaves would be delivered to the agent of the United States for Indian Affairs among the Cherokee Indians upon conditions more favorable to the United States than a full remuneration of their value to the petitioners, respectfully submit the following resolution :

*Resolved*, That the prayer of the petitioner is reasonable, and that the President of the United States be authorized and requested to treat, by such commissioner as he shall appoint, for the delivery to the rightful owners of the slaves and their increase taken from William Scott, James Pettigrew, and John Pettigrew, on or about the 9th of June, 1794, by a party of the Cherokee nation of Indians, at or near the Muscle Shoals, on the river Tennessee, upon such equitable conditions as to him shall appear just and reasonable.

FRIDAY, March 16.

*Mrs. Hamilton's Claim.*

The House resolved itself into a Committee of the Whole, on the bill for the relief of Elizabeth Hamilton.

Messrs. SMILE, ROOT, W. ALSTON, BACON, MACON, CLAY, and BOYD, opposed the bill, and Messrs. JOHNSON, SHEFFET, and NELSON, supported it.

The committee rose about four o'clock, and reported the bill.

Mr. MACON moved to amend the said bill by striking out the following words: "five years' full pay for the services of her said deceased husband as a Lieutenant Colonel in the Revolutionary war, which five years' full pay is the commutation of his half-pay for life;" for the purpose of inserting, "whatever may be due to her for his services as an officer during the Revolutionary war."

Mr. GHOLSON called for a division of the question.

And the motion to strike out was negatived, yeas 57, nays 54.

Mr. W. ALSTON moved to amend the bill by adding the following proviso:

"*Provided*, That it shall be made to appear, to the satisfaction of the accounting officers of the Treasury Department, that the said Alexander Hamilton ever was entitled to half pay or commutation."

The question on Mr. ALSTON's amendment was decided in the negative—yeas 55, nays 56.

And on motion, the House then adjourned, about five o'clock.

SATURDAY, March 17.

*Amey Dardin's Claim.*

The bill for the relief of Amey Dardin was read a third time.

Mr. STANFORD moved to recommit the bill to obtain a more particular report on the claim than had been made. Motion negatived.

The passage of the bill was opposed by Messrs. MACON, BACON, PICKMAN, and STANFORD, and

advocated by Messrs. GHOLSON, SMILE, W. ALSTON, and SHEFFET.

[It was opposed on three grounds—the main objection being that it opened the statute of limitations; 2, that the claim ought not to be allowed, because the horse, for which compensation was asked, might have been reclaimed if the deceased Mr. Dardin had chosen to have received it; 3, that interest ought not to be allowed on the sum at which the horse was valued.]

The bill was passed—yeas 82, nays 24.

*Mrs. Hamilton's Claim.*

The consideration of the bill for the relief of Mrs. Hamilton was called for.

Mr. WYNN moved to adjourn. For it, 28.

Mr. ROOT moved to postpone the further consideration of it till Friday next. Negatived, 57 to 43.

Mr. ROOT opposed the bill at length, and Mr. FISK replied.

The question "Shall the bill be engrossed for a third reading?" was then taken and carried, by yeas and nays.

On the question, when the bill should be read a third time, Mr. ROOT named Friday, and Mr. NELSON to-day.

For Friday 44—For Monday 50.

To-day was fixed as the day; and a motion was made by Mr. T. MOORE to adjourn. Lost, 68 to 50.

The bill was read a third time and passed, 68 to 53, the votes being precisely the same as those last taken, except that Mr. R. BROWN was absent on this vote.

MONDAY, March 26.

*Torpedo Experiment.*

The bill making an appropriation for the purpose of making an experiment on the practical use of the torpedo, or submarine explosion, was taken up.

Mr. DANA said that the question now before the House did not relate to any degree of reputation which any individual might claim for any invention, nor to any interest he might have in any discovery he had made. The question was, whether this proposition now appeared before the House under such circumstances that they should step out of the ordinary course of encouragement, given by law to inventors, to provide the means of making an experiment at the public expense. This, Mr. D. said, was the simple inquiry to be made; and, however eminent or distinguished in the walks of science, or however irradiated by the splendor of genius, it belonged to no individual to demand of the Legislature that they should adopt any system previous to its utility being ascertained. No individual could arrogate it to himself; and, when any individual pressed himself upon the Legislature, it was a question whether this experiment was worthy to be made; whether the invention promised any possible good worthy of this experiment.

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Mr. D. said he had no wish to detain the House, but he had really doubted, for himself, whether, with the views he entertained on this subject, it was compatible with the respect due to the House to withhold some of the sentiments which occurred to him in opposition to this bill. In every instance in which a sum of money had heretofore been appropriated to encourage inventions, it had been for some object admitted to be of value, for something intended to be of use, and which, prior to making the appropriation in relation to it, had been, in a degree, examined. This, however, was a thing which, on the face of it, appropriated a sum of money for the purpose of making experiments to ascertain the use of the invention. It was therefore, perhaps, the first appropriation of the kind ever proposed.

Mr. D. said he did not perceive that any experiment could be made, in time of peace, to ascertain this thing, so as to decide the question of the practical use of the torpedo; for, with respect to every question stated in the publication laid on the table, with respect to any principle which the inventor proposed to establish by any specific experiment, with respect to any question which related to natural agents or their physical effect, he thought it proper to admit the whole.

In the first place, Mr. D. said that he admitted that the explosive force of gunpowder, placed at the keel, might destroy any ship. Another thing he would admit, that a person might deposit powder in a metallic case, which should remain under water; that the case might be made water-tight, and that the clock-work contained in it might be put in motion. He would admit, also, that this machine might be balanced so that its gravity should be nearly equal to that of the water; that the action of the current or tide might bear such a magazine, so specifically apportioned, beneath the bottom of the vessel.

But, when all these things were admitted, Mr. DANA said that he did not perceive that any one point was gained as respected the object of the experiment, for it must be considered that all this experiment could only go to decide the action of natural physical powers, where the efforts of genius were not combined.

As respects the whole of the thing itself, as far as I understand it, I perceive nothing new in it. I do not conceive that, on this subject, there is any thing very novel in point of principle. There may be something in the modification of it; but, as respects the main principle, there is nothing new. The idea was started during the war of the American Revolution, and various experiments were made on it. The Commander-in-Chief of the Army of the United States, at that time, was not, as I have understood, impressed himself with much confidence in the experiment. But a gentleman of his family, and an officer of his army, who had more confidence in it, made the experiment;

and, ultimately, the experiment was pretty much given up.

As he did not speak at random, Mr. D. asked leave to call the attention of the House to the principles of the invention of David Bushnell, of Connecticut. [Mr. D. here read, from the *Philosophical Transactions*, an account of a machine invented by Mr. Bushnell, in many respects similar to that invented by Mr. Fulton.]

The principal difference between these two inventions, Mr. D. said, appeared to be in the mode of conveying the machine to the keel of the ship. The plan of Mr. Fulton was, instead of conveying it by means of a diving-boat, to convey it by the action of the current to the place where it was to operate. To do this he proposed two modes. As respected the first, the action of the current on the torpedo placed obliquely, Mr. D. said he had no doubt. It was the principle on which the helmsman steers his ship, and the seaman manages his sails; the principle on which boats are made to pass ferries by the oblique action of the current. As respected the second mode, the use of the harpoon-gun, there was no novelty in that certainly. It had been used in Europe in the whale fishery, where they were not trained in this species of fishing so as to produce dexterity in throwing the harpoon. Premiums had been given, and attempts made to discharge a harpoon from a ring and rope attached to it, at the distance of ten fathoms, which was a greater distance than the most experienced and skilful could strike with effect.

The question which Mr. D. said he proposed, was, whether obstacles could not be interposed by naval men. As respected firing the harpoon-gun, he should suppose it a want of skill or attention in the experiment if it failed to take effect. That a harpoon might be fired into a vessel, that the torpedo would go under her, and that a vessel which could be bought for \$5,000, might be blown up in this way, he had no doubt; but when all this is done, what does it ascertain? As respects making a torpedo, any person who is in the neighborhood of a good gun and locksmith, and has good powder, can construct one. Mr. D. said he did not see the necessity of spending this sum of money rather for amusement than for any thing else. He did not see the necessity of it, because he did not perceive any one thing to be learnt from an experiment. He was, therefore, against the bill.

Mr. LYON said that the gentleman from Connecticut had shown his own conviction of the utility of torpedoes, and it would be worth while to give five thousand dollars to establish the same conviction in others. If I had the twentieth part of the certainty on the subject which that gentleman has, said Mr. L., I should not vote for the experiment. I have no desire, in voting for any thing of this kind, to give up any other kind of defence. I know it is all-important in us to defend our ports and harbors.

If it was not for our extensive seacoast, I should not be so extremely averse to going to war. I would leave no means untried to protect this seacoast. However little the hope might be, if there was the least thing to hang hope on, I would give \$5,000 for the experiment. I have voted for the highest sum ever called for, for the defence of New York; but still, when I look to the steeples of the fine churches, and to the banks, &c., of that city, exposed as it is and must be, I am struck with horror. Notwithstanding all the exertions which have ever been made for them, they must still be insecure. If \$5,000 would carry conviction as far on the rest of the House as with the gentleman from Connecticut, the money would be well laid out to enable us to go on with a further experiment of this plan.

The gentleman from Connecticut read a long history of the torpedo experiment made many years ago. I believe, sir, Mr. Fulton has but little merit in originating the thing. Let gentlemen recollect what an alarm this thing made, and how uneasy the British were during the Revolutionary war, till they thought they had got rid of these machines. I cannot forget the alarm which they excited, and will take the liberty to quote Hopkinson on the subject, who was a witness to the transaction:

"'T was early day, as poets say,  
Just when the sun was rising,  
A soldier stood on log of wood,  
And saw a sight surprising.

"As in amaze he stood to gaze,  
The truth can't be denied, sir,  
He spied a score of kegs, or more,  
Come floating down the tide, sir.

"A sailor, too, in jerkin blue,  
The strange appearance viewing,  
First damn'd his eyes, in great surprise,  
Then said—'some mischief's brewing.'

"These kegs now hold the rebels bold,  
Pack'd up like pickled herring,  
And they're come down, t' attack the town  
In this new way of ferry'ng.

"The soldier flew—the sailor too,  
And, scar'd almost to death, sir,  
Wore out their shoes to spread the news,  
And ran till out of breath, sir.

"Now up and down, throughout the town,  
Most frantic scenes were acted;  
And some ran here, and some ran there,  
Like men almost distracted.

"Some fire cried, which some denied,  
But said the earth had quaked;  
And girls and boys, with hideous noise,  
Ran through the town half naked." &c. &c.

If a parcel of kegs, in those days, alarmed them so much, what will Fulton's torpedoes do now?

Mr. McKim said, that what had fallen from the gentleman from Connecticut had operated powerfully on his mind to satisfy him of the

propriety of the appropriation. He says, observed Mr. McK., that he has no doubt they will produce the desired effect. Now, sir, when I am informed, from so respectable a source, of their effect when properly placed under the ship, I am induced to vote for this appropriation. If one of these machines in a hundred should take effect, the object would be perfectly gained. If we could only blow up one or two in a squadron, we should not hereafter be disturbed by British squadrons in our waters. I have listened with great pleasure to the lecture of the gentleman on pneumatics, hydraulics, &c., for I know not where I could have derived so much information as from that gentleman, and I take the opportunity of returning my thanks to him.

Mr. FISK said he was against the bill, but from different reasons than other gentlemen were. I do believe, said he, that in some cases, the anchored torpedoes may be effectual; but I do not believe that any thing to result from this bill will be of service to the country. I do not entertain any doubt that a vessel may be blown up. The explosion will take place, the wreck will be left in the bed of the river, and it may cost \$5,000 to raise it, or it may remain as an obstacle to the invasion of the capital. If Congress are at this time seriously to resort to the torpedo system of defence, let us do it in a more serious manner; let us make a respectable provision to purchase torpedo munition, and create a torpedo corps under certain regulations. We have got military and naval armaments; let us make a torpedo armament. At the same time, it was but justice to the inventor to say, that he considered the anchored torpedo as a very useful invention. Mr. F. moved to recommit the bill, to inquire into the propriety of appropriating such a sum of money as the Secretary of the Navy should deem adequate to the object, for the sum proposed certainly was not.

Mr. QUINCY said he agreed with the gentleman from New York in his opposition to the bill, because, if a fair experiment was intended, the appropriation was totally insufficient. This morning, in a conversation with the Secretary of the Navy, I understood that this sum will not enable a vessel to be placed in that situation which will give a fair experiment. If we pass this bill, it will be utterly useless to the purpose proposed. If the object be to have gentlemen who never saw such a thing gratified with an explosion, that object will be attained, but no other. Let us have an estimate from the Secretary of the Navy of the probable expense, or the whole sum appropriated may be lost, and the law will prove utterly disgraceful to those who passed it.

Mr. HOLLAND said he had understood from the torpedo inventor himself, that \$5,000 would be amply sufficient.

Mr. DANA said he had no belief that any vessel could be purchased for five thousand dollars, on which a sufficient experiment could be made. He conceived that the experiment could only



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*Torpedo Experiment.*

[H. OF R.]

be made in hostile operations. We are told that these torpedoes would destroy the navy in the British channel. Do we doubt the inveteracy of the French hatred of the British navy when it has existed so many years? If this invention would command the British Channel—and millions are but dust in the balance for this object—to enable Bonaparte to strike at the British soil, why has not the invention been patronized by France? It has been rejected by France, and rejected by England after an expense of hundreds of thousands of dollars—and now are we to take it up? It is as a stationary resistance to be made to a naval force where there are fortresses also, that the torpedo may be made use of, if they can be used at all; where chains, or chevaux-de-frises are made use of, it may be made use of as auxiliary to other aids in terrifying the enemy. As to setting these machines afloat, firing harpoons into vessels, calculating the chance of boats getting away when a single shot may send them to the bottom, I have no opinion of it at all.

Mr. LYON said he would not vote for recommitment, not that he had not rather that ten thousand dollars were appropriated than five thousand; but the House had the Senate's opinion on that point before them. He agreed with gentlemen entirely, that there never could be a complete experiment until time of war. But that was no reason why we should not, before war came, be in a fair state to try the experiment in war.

Mr. FISK said he had not seen the experiment which had been made in New York, but he had conversed with hundreds who had. He had no doubt but the invention might be useful, but how was its utility to be ascertained, unless in the vessel to be attacked, there was a crew prepared to resist the approach of the boats, or prevent the operation of the torpedo? The nation would be no more convinced of their utility after an expenditure of five thousand dollars than they now are. It is because I have confidence in the effect of anchored torpedoes, that I am for recommitting the bill. By passing the bill as it is, we shall demonstrate nothing but the expenditure of money. I am for making an actual experiment on an enemy's vessel. To attack a well-manned frigate, is a very different thing from attacking an old hulk, perfectly at the disposal of the projectors. If we were to pass a bill constructing a torpedo corps, and offering a bounty on every ship blown up, it would be much better calculated to make an impression of our seriousness than this bill.

Mr. TALLMADGE said, that having been absent from the House at the time this bill was first introduced, he knew not what arguments had been offered in favor of it. He said he was always ready to encourage inventions, &c., but when a measure was presented which had no novelty in it, he could not be satisfied to give a silent vote on the bill for encouraging it.

My honorable colleague stated fairly the prin-

ciples on which the submarine boat was constructed; and I believe, said Mr. T., that there is no gentleman in this House who doubts the power of gunpowder, placed under the bottom of a vessel, to destroy it. I have seen it tried during the war in a great variety of ways. I became perfectly satisfied that the principle was just; the only difficulty was to place the magazine in such a situation that it should have the greatest possible effect.

I well recollect that, in 1777, when Bushnell was called on to make an experiment on a British brig of thirty-two guns, lying in North river, a detachment of troops was directed to proceed down the river to enable him to make the experiment free from interruption. I had the honor to command the detachment, and continued there one month. The object of the troops under my immediate command was to keep off all hostile persons, whether of the enemy or persons unfriendly to the invention, that he might have every opportunity to make his experiment with success. His object was at ebb tide to get into the river a boat constructed for the purpose, and pass down the river, and, if possible, fix his magazine of powder to the bottom of the enemy's vessel. He tried it over and over again. Sometimes he would entirely miss the vessel; sometimes he would come so near that he would get intimidated and retire again; till, sir, I became so heartily sick of the business, and of that sort of duty, that I wished the boat and men were both at the bottom of the ocean. I state this to show the difficulty, danger, and what I myself conceive to be the impossibility of placing the magazine under the vessel. So much for this; and I take Mr. Fulton's machine to be bottomed precisely on the same principle, the difference only being in the mode of application.

I have no idea of laughing the subject out of the House; but how can gentlemen see the least probability of success in the invention? Suppose a frigate at anchor, and a few boats endeavoring to harpoon this vessel. Do gentlemen suppose that boats can approach without the most imminent danger? And, granting that the harpoon strikes, where is all the nautical skill of the men when they see this, if they do not prevent it from taking effect. Suppose a perfectly sure shot, and that the harpoon should be fastened in the bow, is it possible that the rope to which the torpedo is attached would not be cut, and the torpedo left to float below perfectly harmless? Do gentlemen consider harpooning a vessel to be like harpooning a whale, which has no men on board of it to take out the harpoon? I cannot bring myself to believe it possible that a crew on board a ship could see all around her, and yet permit a torpedo to be attached to her and place her in such a condition as to be liable to be totally destroyed with every person on board.

It does seem to me that this sort of philosophical experiment ought not to be gone into by this House. If it be necessary to employ any-

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First Meridian.

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thing it would be vastly preferable that we should not go through all this solemn farce of passing a law for the purpose of exhibiting a sort of playful experiment, and there is probably a day of our time to be devoted to it, when, in truth, no solid advantages can accrue from it. I am unwilling on another ground, because the thing itself would expose the Government to a sort of ridicule. If we pass this bill, and the experiment be made; if a brig be bought for this money and totally destroyed, there will still be as much proof wanting to demonstrate that this is an experiment on which we can rely, as there was before. I am against it on another ground: that if we trust to this kind of doubtful defence, we shall get into the habit of giving up the more substantial defence of the country. This is my solid reason for voting against this bill. No one ever yet found any way of getting along in solid defence but by solid preparation. I should rather come into honorable combat than fight with this underhand explosion, when especially there is so much doubt in it. If an experiment could be made, however, without all this solemn farce, I do not know that I should have any objection to it.

The motion for recommitment was lost—50 to 45.

The question on the passage of the bill was then taken by yeas and nays, and decided in the affirmative—yeas 85, nays 58.

WEDNESDAY, March 28.

*First Meridian.*

MR. PITKIN, from the committee to whom was referred, on the 25th of January last, the memorial of William Lambert, made the following report thereon:

That the memorialist states that, for the purpose of laying a foundation for the establishment of a first meridian for the United States of America, at the seat of Government, he has made calculations to determine the longitude of the Capitol, in the City of Washington, from Greenwich Observatory, in England; and that he submits the same, together with the data and elements on which his calculations are made, to the consideration and patronage of the National Legislature.

The committee have deemed the subject worthy the attention of Congress, and would, therefore, beg leave to observe, that the necessity of the establishment of a first meridian, or meridian which should pass through some particular place on the globe, from which geographers and navigators could compute or reckon longitude, is too obvious to need elucidation.

The ancient Greek geographers placed their first meridian to pass through one of the islands, which were by them called the Fortunate Islands, since called the Canaries. Those islands were situated as far west as any lands that had then been discovered, or were known by ancient navigators in that part of the world.

They reckoned their longitude east, from Heria or Junonia, one of these islands supposed to be the present Island of Teneriffe.

The Arabians, it is said, fixed their first meridian

at the most westerly part of the continent of Africa. In the fifteenth and sixteenth centuries, when Europe was emerging from the dark ages, and a spirit of enterprise and discovery had arisen in the South of Europe, and various plans were formed, and attempts made to find a new route to the East Indies, geographers and navigators continued to calculate longitude from Ferro, one of the same islands, though some of them extended their first meridian as far west as the Azores or Western islands.

In more modern times, however, most of the European nations, and particularly England and France, have established a first meridian to pass through the capital, or some place in their respective countries, and to which they have lately adapted their charts and astronomical tables.

It would perhaps have been fortunate for the science of geography and navigation, that all nations had agreed upon a first meridian, from which all geographers and navigators might have calculated longitude; but as this has not been done, and in all probability never will take place, the committee are of opinion that, situated as we are in this Western hemisphere, more than three thousand miles from any fixed or known meridian, it would be proper, in a national point of view, to establish a first meridian for ourselves; and that measures should be taken for the eventual establishment of such a meridian in the United States.

In examining the maps and charts of the United States, and the particular States, or their seacoasts, which have been published in this country, the committee find that the publishers have assumed different places in the United States, as first meridians.

This creates confusion, and renders it difficult, without considerable calculation, to ascertain the relative situation of places in this country. The difficulty is also increased, by the circumstance that, in Louisiana, our newly-acquired territory, longitude has heretofore been reckoned from Paris the capital of the French Empire.

The exact longitude of any place in the United States being ascertained from the meridian of the observatory at Greenwich, in England, a meridian with which we have been conversant, it would not be difficult to adapt all our maps, charts, and astronomical tables, to the meridian of such a place. And no place, perhaps, is more proper than the seat of Government.

It appears by the papers submitted to the consideration of the committee, that Mr. Lambert has calculated the longitude of the Capitol in the City of Washington, from the Royal observatory at Greenwich, by one of the most approved methods now in use for that purpose, viz: an occultation of a known fixed star by the moon.

His calculations are founded on an occultation of a pleiadum, (*alcycose*.) one of the seven stars, on the night of the 20th of October, 1804. By these calculations it appears, that the longitude of the Capitol, in the city of Washington, as reduced according to the true figure of the earth, (being that of an oblate spheroid,) is  $76^{\circ} 53' 6''$ . 920 degrees west. The committee would observe, that Mr. Lambert appears to be well acquainted with astronomical calculations; and that, so far as the committee have had time to examine them, they appear to be correct. In a question, however, of so much nicety, the correct decision of which depends so much on the accuracy of the observations made, and the goodness of the instruments used, and when the smallest error in the

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*Apportionment of Representation.*

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data will necessarily produce an erroneous result, full reliance ought not to be placed on calculations made from a single observation.

Indeed, in order to be certain of a correct result, it may be proper that more than one of the various methods of ascertaining longitude should be used; that calculations should be made from observations of the eclipses of Jupiter's satellites, of solar eclipses, of the angular distances between the sun and moon, or the moon and a fixed star, or other methods, as well as from observations on occultations of fixed stars.

The committee are, therefore, of opinion that, in order to lay a foundation for the establishment of a first meridian in this Western hemisphere, the President of the United States should be authorized to cause the longitude of the city of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest possible degree of accuracy; and that he also be authorized, for that purpose, to procure the necessary astronomical instruments.

They, therefore, beg leave to submit to the consideration of the House, the following resolution:

*Resolved*, That it is expedient to make provision, by law, authorizing the President of the United States to cause the longitude of the city of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest degree of accuracy; and also authorizing him, for that purpose, to procure the necessary astronomical instruments.

In presenting the above report, Mr. PITKIN observed that the object of the committee was to have a first meridian established for the United States, from which computations of longitude might be generally made, that maps, charts, and nautical tables, might not, as heretofore, be calculated from the observatory at Greenwich, or from the varying points of Philadelphia, New York, Washington, or Charleston. Mr. P. dilated upon the advantages of such a measure. Congress would fix upon the place most proper for a first meridian; and, perhaps, as Washington was the seat of Government, it would be as proper a place as any. As the longitude must be taken very exactly, various instruments would be necessary for the purpose of making astronomical observations. As he was desirous that a bill should pass on the subject at this session, he did not move a reference of the report to a Committee of the Whole, but moved that it lie on the table, to give gentlemen time to consider it before he asked a decision on it.

The report was accordingly ordered to lie on the table.

FRIDAY, March 30.

*Batture at New Orleans.*

The House resumed the consideration of the bill providing the means to ascertain the title to the batture near New Orleans.

Mr. BRAS's motion yet under consideration, and a division of the question being called for,

The question on striking out the sections of the present bill (providing for a judicial decision) was taken, and carried—yeas 95, nays 22.

The question now recurred on Mr. BIBB's amendment, to insert, in lieu of those stricken out, several new sections.

[Mr. BIBB's amendment proposes that the right of the United States shall be vested in the Corporation of New Orleans, so as to enable them to defend any suit which may be instituted for the recovery of the batture, and that the batture shall be used and enjoyed as a public highway and landing place, &c.; as well by citizens of the United States as by the inhabitants of New Orleans.]

This motion was taken by yeas and nays and lost—yeas 86, nays 84.

SATURDAY March 31.

*The Batture at New Orleans.*

The House resumed the consideration of the unfinished business of yesterday, on the bill providing the means to ascertain the title to the batture in front of the suburb St. Mary, in the city of New Orleans.

The question having recurred on the amendment of Mr. FITKIN, the said amendment was withdrawn by the mover.

The question was then taken on concurring with the Committee of the Whole in their first amendment to the said bill, and carried in the affirmative.

The question then recurred on concurring with the Committee of the Whole House in their second amendment to the said bill, amended in the House to read as follows:

"SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, at any time within one year, to make and execute such compromise with the parties, or any of them, who were removed from the said batture on the twenty-fifth day of January, one thousand eight hundred and eight, by order of the President of the United States, and to procure a cession of their claims thereto, or to any part thereof, for the use of the public, or to any body politic or corporate, on such terms as may be agreed on with the said parties, and deemed advisable by the President, and to stipulate for a compensation, either in money or public lands, in the city of New Orleans, or its territories, as he may think proper."

Messrs. NELSON, SMILIE, HOLLAND, and BIBB, opposed the amendment; and Messrs. SHEPPEY, KEY, and LYON, supported it.

The question being taken, it was determined in the negative—yeas 62, nays 55.

MONDAY, April 9.

*Apportionment of Representation.*

Mr. FISK said he rose to offer a resolution, which he had for some time wished to present for the consideration of this House. It is to provide for fixing the apportionment of the Representatives of the several States according to the third census. The last ratio was one Representative for every thirty-three thousand souls; which gave one hundred and forty-two mem-

bers to this House—a number as large as may be considered necessary for the despatch of legislation, or to preserve the liberties of the people. It is estimated that the next census will give seven millions two hundred thousand souls, which, according to the present ratio of representation, would give to this House two hundred and eighteen members—a greater number than could be accommodated within these walls, and a greater body of men than could progress with the business of the House.

After the census shall be taken, the amount in each State ascertained, and the fractional numbers known, it will be much more difficult to fix the ratio than at this time. I therefore beg leave to submit the following resolution. And as it embraces a subject of great importance, I have no objection that it lay on the table a few days for the consideration of the members:

*Resolved*, That the apportionment of Representatives amongst the several States, according to the third enumeration of the people, ought to be in the ratio of one Representative for every forty-five thousand persons in each State, and that a committee be appointed to bring in a bill accordingly.

A motion was made that the resolution lie on the table.

A motion was also made to postpone it for a week.

Mr. PICKMAN moved to postpone the further consideration of the resolution indefinitely. He thought the question could be decided to much greater advantage in the two first months of the next session of Congress than in the two weeks remaining of the present session.

Mr. MACON was against indefinite postponement. Every one, on reflection, must be satisfied that it would be better to decide the ratio of apportionment now than after the result of the census was known. He thought the resolution had better have been in blank as to the ratio. The ratio might be settled either by fixing the number of Representatives of whom the House should consist after the next census, or by fixing the number of souls which should entitle a district to a Representative.

Mr. GOLD said, however desirable it might be at this time to fix the ratio, he doubted very much whether a decision would now settle the question. If a law were now to be passed, and there should be several large fractions on any given ratio, there would be a strong disposition to alter the ratio at the next session. He thought it would be expedient also to postpone the apportionment, because it might be affected by the proportion in which the population of the United States may have increased since the last census, which could not be ascertained till after the census.

Mr. QUINCY said he understood the object of the resolution to be to settle a principle before the facts were ascertained. Now it was his opinion that the House should know the facts first and settle the principle afterwards. Suppose the principle to be adopted—perhaps one

or two States might be entitled to but one Representative, which, had the ratio been fixed at forty thousand, might have been entitled to two. This would appear to operate unjustly. The House must know the facts in order fairly to apportion representation. The apportionment ought to be made not merely in relation to population, but to the weight of the different States in the Union—and these considerations could not have their due weight till after the relative numbers were ascertained.

Mr. W. ALSTON was in favor of deciding on the subject at this session. He had no fear of difficulty resulting from fractions remaining unrepresented. It would be recollected that at the last apportionment, Delaware had a fraction of thirty-one thousand left, and Carolina twenty-nine thousand. The small States could not object to the course proposed; for if this question was postponed till after the census, and a particular ratio should appear to suit the returns of the three large States, they would support it and carry it too, notwithstanding the large fractions it might leave to smaller States. A disadvantage would therefore result to the small States from postponement rather than from a decision now.

Mr. FISK said there was one other reason why an apportionment should be made at this session, viz: that it would enable the State Legislatures at their ordinary winter sessions to divide the States into districts, and not subject them to the necessity of an extra session for the purpose.

Mr. LIVERMORE was against indefinite postponement, because he was inclined to the opinion that the subject ought to be acted on at this session, but wished the resolution to lie on the table a day or two. He said he was convinced, from his experience in the manner of doing business in this House, that it would take nearly the whole of the next session of Congress to make the apportionment, if it was postponed till after the census was taken. He had rather the resolution had been blank as to the ratio.

Mr. FISK modified his motion, so as to leave it blank as to the ratio.

Mr. BURWELL thought that the present was the proper time to fix the proportion; because, after the respective numbers of each State were received, it would be in the power of the larger States to fix the ratio as they pleased, and at present none of the State jealousies could be brought into action, which would, when the returns were actually made. To get over the difficulty said to exist in settling a principle before the facts were known, it was only necessary to say that so many members should compose the House. If the population was smaller than expected, there would still be the number deemed proper to constitute the House; and if it was larger there would be no great increase of members, to the detriment of public business. Mr. B. said he was fully impressed with the necessity of acting on the subject at the present session. If postponed till the result of the census was known, and the particular interest of

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*The Convoy System.*

[H. OF R.]

each member of the House became implicated in the decision of it, there would be extreme difficulty in coming to a decision.

Mr. SMILIE said he could not conceive any objection to passing the resolution in its present shape. In this question there was an inconvenience on one side and evil on the other. It was an inconvenience that the House could not with precision ascertain the population of the United States; but, from the increase in times past, the increase for the last ten years might be estimated. The evil of postponement on the other hand was great. Mr. S. said he had been in Congress when the ratio of representation had been settled heretofore, and he had never seen a more difficult question—and it ended at last in a bargain between the members of the different States; and from these bargains no good could arise. He much preferred deciding on the subject at the present session.

Mr. RHEA of Tennessee was anxious that the subject should lie on the table a day or two, the more especially as there was such a disagreement of opinion as to the operation of the measure of fixing the ratio beforehand. Coming from a small State himself, he feared lest the principle should operate to the injury of the small States. He said he had been much surprised at the declaration of the gentleman from Pennsylvania, that the question would be decided eventually (if postponed) by individual interest. If on such a question the House was to be governed by individual interests, what was the nation to expect from them? This suggestion was another reason in his mind for the resolution's lying on the table.

Mr. SMILIE had spoken of human nature as he found it, even in the gentleman from Tennessee as well as all others—a degree of self-concern always influenced individual conduct. Whoever had assisted at settling the representation of a State would conceive the difficulty of deciding these questions.

The motion for indefinite postponement was negatived, ayes 23. The motion to postpone to Monday shared the same fate, ayes 33. The motion to lie on the table was carried—53 to 41.

WEDNESDAY, April 11.

*Colonel Washington.*

Mr. RANDOLPH said that the House was already apprised of the death of Colonel William Washington, in whom our country had lost one of her most illustrious sons. It is very far from my intention, sir, said he, by any amplification of mine to lessen the impression of that merit which the bare mention of his name is calculated to make on the mind of every man who hears me. It is not the least unequivocal proof of that worth that it was not extinguished by the effulgence of his great kinsman's glory, with which it was daily brought into comparison. The reputation which can stand such an ordeal as this, is far beyond the praise or blame of an

humble individual like me. If, to the proposition which I am about to offer, an objection should arise in the breast of any man who hears me on the score of the rank which that gentleman bore in the late American army, permit me to suggest that it is a testimony to valor and not to rank. It is not a mere respect to rank which I wish the House to pay. It is not in rank to add to the infamy of an Arnold, or to the glory of a WASHINGTON. I will, therefore, move the following resolution:

*Resolved*, That the members of this House do wear crape on the left arm during the remainder of the session, as a testimony of respect for the memory of William Washington, late a Lieutenant Colonel in the Revolutionary army.

Mr. SMILIE said he hoped there was no man who felt more respect or gratitude to those men who served their country during the Revolutionary war than he did, but this resolution appeared to be improper on several grounds. I agree, said Mr. S., with the gentleman from Virginia, that rank should have no effect on the opinions of the members of this House on such a subject as this. But, is it not singular that as to the many heroes who have served us during the Revolution, who have now gone to their long home, no notice has been taken of their merits by us, nor any step taken to confer upon them the honor now proposed to be conferred on this officer, whom I acknowledge to be meritorious? We have seen a Greene die, and certainly no man exceeded him in rank or merit, the General-in-chief excepted. We have seen a Wayne also die; and I do not recollect that such a tribute was proposed to any man who served us during the Revolution. Shall we, then, by passing this resolution, sanction an idea that Lieutenant-Colonel Washington was entitled to more respect than others? Would not the passage of this resolution be considered as an indirect censure on the other Revolutionary characters who have gone from us? When the other heroes fall that are still existing, we must, if we pass this resolution, pay the same respect to their merits, or suppose them to have been inferior. This would introduce into the Legislature invidious comparisons, and, instead of legislating, we shall be sitting as judges upon character. In every respect, I think the resolution objectionable.

The question was taken on the resolution without further debate, and passed in the negative—yeas 30.

THURSDAY, April 12.

*The Convoy System.*

Mr. EPPES said that, some time ago, a bill had been reported by him to the House, authorizing the President of the United States to employ the public armed vessels to convoy the lawful commerce of the United States. The motion to adjourn, which had been agreed to, would leave but a small portion of the time of the House for the discussion of the several subjects before

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them. As he was compelled by ill health to leave the city at an early day, having already obtained leave of absence, he was anxious to obtain a vote on this before he departed, and therefore asked to discharge the Committee of the Whole from the further consideration of the bill, in order to take the sense of the House whether it should go to a third reading or lie on the table for the present.

This motion was opposed by Messrs. MAOON, TAYLOR, PICKMAN, RANDOLPH, LIVERMORE, and WILSON, on the ground of its being out of the usual course of proceedings; and it was objected to the more especially as this was a subject involving very important principles, and one which, of all others, ought to be discussed in Committee of the Whole.

Mr. EPPEs expressed his willingness to take a silent vote on the subject, and thought a vote might be obtained on the bill without much debate.

Mr. JOHNSON expressed great anxiety to vote on the bill.

Mr. LIVERMORE intimated that he was strongly against the bill, and, if it took every hour in the session, he was determined to expose what he believed to be its injurious features.

On the question, Mr. EPPEs' motion was negatived—yeas 50, nays 61, as follows:

YEAS.—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clifton, Howell Cobb, James Cox, William Crawford, John Dawson, Joseph Desha, John W. Eppe, William Findlay, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, Aaron Lyle, Samuel McKee, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Porter, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, George Smith, John Smith, Henry Southard, Robert Weakley, Robert Whitehall, Robert Witherspoon, and Richard Wynn.

NAYS.—William W. Bibb, Daniel Blaisdell, James Breckenridge, William Chamberlin, Epaphroditus Champion, James Cochran, Richard Cutts, John Davenport, junior, William Ely, James Emott, Jonathan Fisk, Barzillai Gannett, Thos. R. Gold, William Hale, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Robt. Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Mosely, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Res of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Daniel Sheffey, John Smilie, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

FRIDAY, April 13.

*Colonel Washington.*

Mr. QUINCY rose to move a resolution. He said he very deeply regretted the situation in which this House had been placed in relation to the memory of that distinguished officer of the Revolution, General William Washington, in consequence of the resolution moved on the 11th instant. He thought that the impression exhibited on the journals was not such as either did justice to that individual or to the feelings of every member of the House. He hoped that to the resolution which he was about to offer, and which had for its object an explanation of the grounds on which he knew a majority of the House had voted, would not find an objection. It would take away the appearance that this House had not that deep sense of the merits and services of that officer which he knew they possessed. He then read the following resolution:

*Resolved*, That the House of Representatives are deeply sensible of the loss this nation has sustained in the death of General William Washington, late Lieutenant-Colonel in the Army of the Revolution, and that the rejection of the resolution offered on the 11th instant, in relation to that distinguished officer, having been produced wholly by considerations of a general nature, cannot be deemed to derogate from the high sense which this House, in common with their fellow-citizens, entertain of his civil and military virtues and services.

The House agreed to consider the resolution—58 to 18.

The resolution passed—ayes 63; about seventy-five members were present.

FRIDAY, April 20.

*General Wilkinson.*

The SPEAKER laid before the House the following letter, which was read:

WASHINGTON, April 19, 1810.

SIR: After a tedious passage from New Orleans I arrived at Baltimore on the 16th instant, and reached this city the next day. My absence has been necessarily protracted by the selection of papers, from a mass of twenty years' accumulation, for the establishment of facts, to refute the multifarious and diversified calumnies by which I have been assailed.

I now present myself to the Representative body of the nation, the guardians of the public weal and the protectors of individual rights, to express my earnest desire that they may constitute some impartial tribunal, which may be governed with strictness by the principles of the constitution and the laws of evidence, to investigate the conduct of my whole life, civil and military, whereby justice may be done, and my unexampled persecution be terminated.

I aver my innocence of the foul offences which are imputed to me, and declare my ability to support it before any unprejudiced court. Through you, sir, I appeal to my country, and I claim that right which is not refused to the most profligate—the right of confronting my accusers. The Representatives of the people will not, I am persuaded, suffer a fellow-citizen who has been devoted to the public service more than twenty-five years, and has nothing left him but

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conscious fidelity and attachment to his native country, to sue in vain for justice.

The enclosed letter to the Secretary of War was written anterior to the receipt of my notification of recall from the command on the Mississippi, and will evince my readiness and my desire for a full investigation of my conduct.

With perfect respect, I have the honor to be, sir, your obedient servant,

JAMES WILKINSON.

Hon. J. B. VARNUM, *Speaker, &c.*

*Naval Establishment.*

Mr. RANDOLPH, from the committee to whom was referred the resolution respecting the reduction of the Naval Establishment, reported the following bill; which was twice read, and referred to a Committee of the Whole:

[Here follows the Bill.]

MONDAY, April 23.

*Loan Bill.*

The House resolved itself into a Committee of the Whole, on the bill authorizing a loan for a sum of money not exceeding the amount of the principal of the public debt reimbursable during the year 1810.

[In the discussion which took place on this bill, there was no objection to the principle of it. Every gentleman who spoke assented to the propriety of placing at the disposal of the Government a sum of money fully adequate to meet the appropriations authorized by law for the present year.]

Mr. DANA wished to ascertain the precise amount of the principal of the debt reimbursable during the year 1810, with a view to inserting the sum in the body of the bill.

Some difference of opinion appeared to exist as to the exact amount of principal reimbursable. The sum annually applicable to the payment of the public debt is eight millions of dollars. The sum left, after paying the interest of it for the year, is annually applicable to the extinguishment of the principal. The exact amount of interest payable on the public debt during this year not being known, there was a difficulty in ascertaining the exact amount of principal reimbursable.

The sum of \$4,800,000 was mentioned.

Mr. DANA moved to amend the bill so as to authorize a loan "not exceeding \$4,800,000, being the amount of the principal reimbursable," &c. This motion was supported by the mover, and Messrs. GOLD, SHEFFET, QUINCY, UPHAM, TALLMADGE, and PICKMAN, and opposed by Messrs. BACON, W. ALSTON, and MONTGOMERY.

The arguments in favor of the motion were, generally, that it was improper to attempt to disguise any thing by giving to it a specious name; that borrowing money should not be called paying the public debt; that all authority given to borrow money should be express and specific as to the sum. It was said in reply, that there could be no objection that the truth should appear on the face of a bill; that this

sum not being wanted to defray the ordinary expenses of the Government, but to pay debts heretofore contracted, the phraseology was perfectly correct; that it was as specific in fact as if expressed in so many figures.

Mr. DANA varied his motion, after debate, on account of the uncertainty which appeared to exist as to the sum reimbursable, and of course as to the sum to be loaned. He moved to amend the bill so as to give authority to borrow a sum of money "not exceeding four millions of dollars."

This motion was supported and opposed by the same gentlemen who debated the former motion. In support of the motion it was said, that this sum was all that the Secretary of the Treasury had asked for, and was therefore as much as ought to be given. The advocates of the amendment also said that they were averse to legislating blindfold, to voting millions without knowing for what, or to surrendering up their judgments to Executive discretion, under an idea that the President would not borrow more than was necessary.

In reply it was said, that since the Secretary of the Treasury had made the estimate in question, other expenses had been incurred; that it was impossible to tell the precise amount which was wanted until Congress should adjourn, as it was impossible to tell on one day what appropriations they would make the next day; that, if not necessary, the authority to borrow would not be used; as in the case of the loan authorized at the last session of Congress, not a cent of which had been actually borrowed. That law had granted an authority nearly similar to this in nearly the same language.

Mr. DANA's motion was negative—52 to 29.

Mr. QUINCY observed that he felt but one difficulty on this subject. He could not agree to borrow an amount greater than the Secretary of the Treasury had said was necessary. He, therefore, moved to amend the bill by adding to it the following proviso:

"Provided, That nothing in this act contained shall be construed to authorize any sum to be borrowed greater than four millions of dollars."

The motion was lost—ayes 28.

The bill was then ordered to be engrossed, and read the third time to-morrow.

TUESDAY, April 24.

*Reduction of the Navy.*

The House in Committee of the Whole on the bill to reduce the Naval Establishment of the United States.

The bill having been read—

Mr. McKIM moved to amend that part of the bill which directs the sale of all the gunboats, by adding the following words: "belonging to the United States, unfit for service, and unworthy of repairs."

This motion was agreed to without debate, ayes 56.

Mr. KEY said he was friendly to the reduction

of the Navy, but not to its annihilation. He therefore moved to strike out so much of the bill as provides that all the frigates but three shall be "sold," and to insert in lieu thereof, "laid up in ordinary."

Messrs. DANA and MUMFORD supported the motion.

Mr. RHEA of Tennessee made a motion, which superseded that made by Mr. KEY, to strike out the whole of the section, except so much as related to gunboats. He was wholly opposed to the reduction of the Navy at present.

Mr. SMILIE said he should vote for the motion with a view to inserting a substitute going to place the Navy now on the footing of the Peace Establishment of 1806.

Mr. DANA was in favor of Mr. RHEA's motion, but expressed himself very pointedly in favor of a reform in the expenditures and conduct of the Naval Establishment generally.

Mr. BASSETT also was in favor of Mr. RHEA's motion. He supported the policy of a small navy, and vindicated the establishment generally from charges of waste or extravagance, though he was friendly to reform wherever necessary. Mr. B. spoke nearly an hour.

Mr. COOK and Mr. RHEA of Tennessee also spoke in favor of the motion to strike out the whole of the first section.

Mr. MACON spoke against the motion, and against the policy of a navy as applicable to the situation of this country.

Mr. STANFORD followed Mr. MACON on the same side of the question, and particularly reprobated the extravagant expenditure of money incident to the naval system.

Mr. DANA spoke again on the subject of reform in the system.

Mr. MACON and Mr. STANFORD explained.

Mr. BOYD was against the reduction of the Navy under present appearances.

The motion to strike out the remainder of the section was carried, 61 to 25.

Mr. SMILIE moved to insert, in the place of that part which was stricken out, the following:

"And further, that the President of the United States be, and he is hereby, authorized to keep in actual service as many of the frigates and other armed vessels as in his judgment the nature of the service may require, and to cause the residue to be laid up in ordinary in convenient ports: *Provided*, the whole number of officers and seamen shall not exceed that fixed by the act 'in addition to the act, supplementary to the act, providing for the Naval Peace Establishment, and for other purposes,' passed the 21st day of April, 1806."

Mr. S. read the law alluded to in this amendment, which would go to retain in service thirteen captains, nine masters commandant, seventy-two lieutenants, one hundred and fifty midshipmen, and nine hundred and twenty-five able-bodied seamen, ordinary seamen and boys.

Mr. McKIM opposed the amendment, because he was altogether opposed to a reduction of the Navy in the present state of the world.

Mr. SMILIE replied. He said he had no ap-

prehension of danger to his country from laying up a few frigates.

Mr. BASSETT stated that the whole number of seamen now in service, was but two thousand seven hundred and twenty-three. If the number was reduced, the expense of reducing and re-enlisting them within a short period, would exceed the expense of keeping them in service during the interval.

Mr. MONTGOMERY spoke in favor of the amendment, under the impression that there was no disposition in Congress to make use of the Navy. Although the number of seamen in service might not exceed two thousand seven hundred and twenty, as stated, yet the President now had power to authorize the employment of five thousand four hundred and ninety men. The adoption of the amendment, he said, would curtail the present annual expense, \$778,000.

Mr. MUMFORD spoke against the amendment. He remarked that the counting-house calculation of pounds, shillings, and pence, heretofore imputed as a fault to the merchants, seemed to have been transferred to the planters of cotton and tobacco. He did not regard a little expense when put in competition with the national safety.

Mr. SMILIE's amendment was negatived.

The section for disusing all the navy-yards except those at Boston, New York, and Norfolk, having been read—

Mr. KEY moved to insert "Washington" after New York, and, speaking in support of his motion, expatiated on the advantages possessed by a navy-yard at the seat of Government.

Mr. BASSETT concurred with Mr. KEY in opinion; but, as he presumed the section was only meant as an accompaniment to that part of the bill already stricken out, he moved to strike out the whole section.

Mr. DANA opposed the amendment. Six navy-yards were certainly not necessary for the service of the United States, and he particularly opposed the retention of the yard at Washington.

Mr. KEY spoke in reply to Mr. Dana, and in support of Mr. BASSETT's motion. He defended the navy-yard at Washington against the imputations cast on it.

Messrs. TALLMADGE and DANA spoke against the amendment.

Mr. SMILIE spoke in favor of the amendment, and expressed his astonishment at the change which appeared to have taken place in the House since they had voted, 60 to 31, a few days ago, to reduce the Navy.

Mr. KEY expressed his surprise that a gentleman having as much parliamentary experience as the gentleman who preceded him, should be surprised at the change of votes. A majority had voted to reduce, having different objects of reduction in view; but, when a reduction in any one branch of expenditure was proposed, it appeared that a majority could not agree in it. Mr. K. spoke again in favor of the amendment.



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The motion to strike out the section was lost, 52 to 40.

Mr. KEY renewed his motion to insert "Washington."

Mr. RANDOLPH opposed the motion on the ground of the unfitness of the situation of Washington, compared with others, for a navy-yard.

Mr. MACON supported the motion; because he was utterly opposed to a navy, he said he wished that a navy-yard should be kept here, as members of Congress would be much sooner disgusted by seeing the expenditures of the Navy system, than by hearing of them.

Mr. DANA, as a friend to a navy, said he wished the amendment not to prevail. The gentleman from North Carolina, an enemy to navies, wished to retain the yard at this place; he, Mr. D., a friend to them generally, wished to dispose of or disuse it. They therefore thought alike, though they should vote differently.

The motion to insert "Washington" was carried—54 to 42.

The section for reducing the marines was struck out, without debate—ayes 59.

The committee rose, and reported the bill as amended.

The SPEAKER resumed the Chair, and the House resolved now to consider the report of the Committee of the Whole.

Mr. MILNOR said the bill had been much amended in committee, and as the remnant left amounted to very little, and the discussion of that little would probably cost more than would be saved by passing it into a law, he moved to postpone the further consideration of the subject indefinitely.

WEDNESDAY, April 25.

#### *Loan Bill.*

The engrossed bill authorizing a loan for a sum of money, not exceeding the amount of the principal of the public debt, reimbursable during the year 1810, was read a third time.

All the gentlemen who spoke against the bill professed to be willing in a proper manner to authorize a loan of any sum of money necessary to meet the appropriations made; but they contended that the bill was objectionable because the sum was not stated in the face of the bill, because the bill bore a deceptive appearance of borrowing money to pay the public debt, when, in fact, it was to meet the ordinary expenses of the Government; because the bill authorized a loan of five millions five hundred and sixty thousand dollars, more by one million one hundred and sixty thousand dollars than the Secretary of the Treasury had declared to be necessary, and because no loan ought to be authorized until bills now before the House were decided on, which involved a reduction of the annual expenditure.

In reply to the objections to this bill, it was urged that the amount authorized (not required) to be borrowed was as definitely expressed as though in figures; that there could be no de-

ception on the face of the bill, for, if no debt heretofore contracted was now to be paid off, there would not only be no occasion to borrow, but there would be an immense annual surplus in the Treasury; that, since the estimate of four millions had been reported to the House, various appropriations had been made, and it was impossible yet to say how much might be wanted, and no more would be borrowed than actually was wanted; that if the passage of the bill was delayed but a day or two, it would be very easy for gentlemen to prevent its passage at all.

The bill was passed—yeas 77, nays 35.

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The House then resumed the consideration of the unfinished business of yesterday.

Mr. MILNOR said when he had made the motion for the indefinite postponement of the bill, he had supposed that the sense of the House had been fully expressed on it; but as it appeared that the motion would occupy much time in debate, and as some gentlemen had thought proper to insinuate that the motion was made for the purpose of avoiding meeting a direct question on the bill, he now rose to withdraw the motion.

The question was then stated on the first amendment made in Committee of the Whole, viz: to strike out so much as requires the sale of all the gunboats.

Mr. MUMFORD hoped that the frigates would not be laid up in ordinary. He said he was no politician by profession; he had been called from mercantile pursuits against his inclination, but he had always understood that government was instituted for the protection of the citizen. He was chagrined when he saw the events unfolding in the Old World, and witnessed such a paralyzing system going on in his own country. He had hoped that some system would have been adopted for the protection of our commerce at sea. If gentlemen were determined to abandon the ocean altogether, he begged to know it in time before merchants were totally ruined, for it was impossible at present to carry on any commerce whatever. The part of the country which he represented (city of New York) felt it strongly; agriculture would feel it sooner or later. The enormous captures made of their property had reduced merchants to the alternative of staying at home, or having no commerce but with Great Britain. If gentlemen are disposed to surrender commerce to the discretion of the belligerents and retire from the ocean, it is time to know it. Mr. M. said he was no *motive-monger*; he never arraigned gentlemen for their motives. We have heard gentlemen say, "millions for defence and not a cent for tribute;" and a noble and popular sentiment it was. It seemed now to be reversed with them, and a plain translation of their speeches was, "millions for tribute; not a cent for defence." Various projects had been offered. Some gentlemen were for putting down

the whole Army and Navy; others were for a sort of snail system, alarmed at the least apprehension of danger. Viewing the subject as he did, Mr. M. entreated that gentlemen would consent to protect commerce. The island of St. Domingo now possessed seventeen armed vessels. They were gaining strength daily, and what was the situation of our Southern borders? If our naval force was entirely withdrawn from the ocean, it was impossible for an army of militia to defend the mouth of the Chesapeake. He understood that two vessels were now building in Chesapeake Bay for St. Domingo. He knew that the Haytian agents had been in this country for the purpose of purchasing vessels. Under all these circumstances was it wise and prudent to discharge the Navy? He presumed the best course would be to put to sea what little navy we have to protect our own coasters, for they would be necessary without any view to commerce in the European seas. Under every view, instead of laying up those vessels in service, Mr. M. said he hoped that gentlemen would consent to fit out every vessel in the possession of the United States, and send them out to protect American commerce.

A motion having been made by Mr. SMILIE to amend the bill so as to place the Navy on the footing on which it stood in 1806—

Mr. DANA said he was not for pausing with merely replacing the former system; he was also for guarding against the waste of public property and treasure which had taken place in the Naval Establishment. He believed that for the number of fighting men afloat the United States had been put to a much greater expense than was necessary. He was not speaking, he said, of our having few brave men on the water, nor of the great sums given anywhere to those who give us their blood; but the system of the navy-yards, he believed, required a thorough reform. If he was to judge of the general economy on board the frigates and smaller vessels from the little he had seen of them, he must set it down for certain that waste did not exist on board the vessels after they were fitted for service, and manned, and officered. As far as he had an opportunity to observe, he had marked a strong sense of subordination, and the practice of command at the same time sustained with gentleman-like propriety, without any unnecessary torture or rigor. In all this business, Mr. D. said, where you employ warriors, whether by land or water, that department called the staff, the agents, purveyors of supplies, &c., is the branch of the service to which you most look for waste. On merely casting the eye along the decks of our vessels, the conduct of the officers, and the manner in which the men behaved, indicated a sort of conduct which appeared to him incompatible with waste, laxity of discipline, or want of attention to duty. Generally speaking, the civil branch of the service was the reverse of this. Mr. D. adverted to the mode of equipping vessels, and re-

probated the scrambling, which he had understood often took place for equipments, as incompatible with methodical arrangement, and correct distribution of supplies. It was wasteful and inconsistent with regular accountability. It was not the course pursued in the navy-yards of other nations. The commander of a man of war in other countries was not permitted to go into a navy-yard; he could not there claim to have every thing new on board his vessel. When every man was suffered to manage as he would, there was no security for the economical conduct of an establishment; for the more anxious was each commander to have his own vessel exclusively well equipped, the more would the public suffer. He was, therefore, for adopting some system of rigorous retrenchment—what it should be he did not know. In the nature of the thing he was confident it could be done; without it there must be much waste. At present, therefore, he was against striking out the frigates from the Naval Establishment. A reform in the expense was the great desideratum, not the abolition of the Navy.

Mr. D. said he would submit to the House one consideration: the appearance which the passage of such a bill would present to the world after the resolutions passed at the commencement of the present session. For his own part, indeed, he had deemed it useless to make declarations of national independence, or to resolve against submission; but at the commencement of the session a resolution had been passed respecting what had taken place between Executive and the British Minister, and then Congress had pledged themselves to call forth the whole force of the nation to stand by and support the President. He had supposed this unnecessary, improper, and exceptionable in some respects. But at the same session, when the controversy was chiefly respecting maritime privileges, if they should not only reduce but sell the Navy, what would the world say, when they had seen the beginning and end of the session? Would it be possible that foreign powers could look up with any reverence to their acts? We shall, said he, be reduced to such a situation that even the apprehension of our hatred could not insure respect from foreign Governments, if we suffer our conduct to be so completely at war with our own acts. In order to possess some appearance of respectability in the estimation of others, the most expedient course would be to establish economy and provide for a less profuse distribution of the public moneys, but to retain the public armed vessels, that we may be in the condition for effectual service whenever it is deemed expedient. By this course we may save more of property as well as character than by an abolition of the Navy; and if we save both it is better than to save the one and lose the other.

In allusion to a remark of Mr. MURFORD against the bill, Mr. D. said that in regard to what was formerly said respecting millions for defence and not a cent for tribute, that doctrine

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was a very good one, but it had no connection with crawling within ourselves in time of danger—with the *terrapiu policy*—with drawing in head and claws so that no part of the body should be exposed; and those who were for that course, (because really they had not provided any shell,) could not very well appeal for their justification to the doctrine of “millions for defence and not a cent for tribute,” and yet he believed that the gentleman from New York himself had voted for that system of terrapiu defence. Although, said Mr. D., I was against that thing, yet there were men distinguished for talents and worth, and who are eminent in the councils of their country, who entertained sentiments widely different. This policy was borrowed from the colonial system; we did not assume the spirit of a nation, perhaps; we recollected what we had done before when we were colonies, and perhaps gentlemen thought the efforts of children might succeed when they had attained to manhood. It was a delusion. If gentlemen, however, now see through their error, their desire to correct it ought not to be condemned.

Mr. Bassett was of opinion with Mr. D. that reform rather than reduction of the Naval Establishment ought to be their object. He was glad to find that when the Navy was brought into view, other ideas than those of mere commerce began to be associated with it. Heretofore it had only been advocated as a means for the protection of commerce. Mr. B. said he lived in a district which was sensibly alive to the benefits of a navy. The district which he represented had within it more water than land. It therefore became essential to the defence of his constituents that they should have a floating protection. It was impossible, in the nature of things, that they could be defended but by a floating defence. Surely there could be no gentleman in the House who was not sensible of the necessity of protection! It might be a favorite point in a monarchy to keep the country unprotected, and thus under the control of the Government, but the motto of Republics should be universal justice, equal rights, and common defence. He asked gentlemen to look at the magnitude of the object of defending our seacoasts, which could not be less than three thousand miles in extent, and, taking into consideration the sides of our navigable rivers, that extent would be doubled. If gentlemen would but for a moment consider the immense space which was exposed, they would see all the importance of securing an adequate defence. The House had been told, and certainly very truly, that there was a maritime force rising in our neighborhood. The House had been told, also, and told correctly, too, that at least two large vessels were building in their own waters for the use of that growing maritime power. At the very moment, said Mr. B., that we know that the blacks of St. Domingo are building vessels, shall we dispose of our public armed vessels? Let me ask who will buy them when

put into the market? Who but Christophe and Petion? It is reduced to a certainty that if we put them now to the hammer, they must go in that direction. I ask gentlemen seriously to weigh that consideration.

The situation of our Navy is at present sufficiently reduced. We have only five frigates in actual service. The Chesapeake, for want of repairs, is now in harbor. If gentlemen are anxious that she should be laid up in ordinary, I would accord in it; but I would prefer to leave this subject entirely to the discretion of the Executive. I know, sir, how apt a proposition of this sort is to be met by a suggestion of Presidential confidence; but when we come to consider our particular situation, that we are putting it into the power of the President, not to add to the burdens of the people, but to relieve them, that will be thought a sound argument to justify the course of leaving the whole matter to the discretion of the President. The wisdom of the last and of the present Congress has kept in service five frigates. We cannot remain in session at all times; and we are at this moment, extremely doubtful as to the aspect our affairs will assume as to foreign nations. I would ask gentlemen if former experience does not warn us that if we have an accommodation with one belligerent, it will but lead to a wider breach with the other? But if this occurrence does not take place, and every thing should turn out happily, my proposition would leave it in the power of the Executive to secure the public against loss. The expense is not drawn upon us by the Executive, but it is such as the wisdom of the National Legislature has thought proper to incur. Therefore I think it fair to consider the subject in this way. As we are about to separate, and as present appearances would not warrant our giving up any species of protection, we shall be justified in giving a discretionary power to the Executive to put down such part of the Naval Establishment as he may in future think it justifiable to part with.

I am not one of those who think the expense of the Navy a sufficient argument for disposing of it altogether. I have been asked what has the Navy done. I can answer for a large portion of my constituents, that it has kept them quiet in mind. Is it not important that the men who live on the seaboard should know that we have a force to repel attack? What sort of attack have we cause to expect? A serious invasion? Certainly not. The sort of attack which we ought to guard against is the predatory attack, made at small expense, to our great injury. If we do away the naval system entirely, our whole seacoast will be liable to be ravaged. A single frigate, a single privateer, a single pirate, might come into your waters and injure your citizens to a considerable amount. It has been mentioned, and I have seen an official intimation of it, that two or three vessels, in the shape of pirates, had stopped vessels at the mouth of the Mississippi. The force now

embodied on the ocean is not more than adequate to the security of the nation against predatory warfare. I am willing, notwithstanding this, to leave it to the Executive discretion to lessen the burden.

I regret much that at this period of the session we cannot go into an examination of the expenditures the gentleman from Connecticut complains of. I think it proper to observe that for one I shall be willing to receive his assistance in detecting abuses. I believe the gentleman at present at the head of the Navy Department has every disposition to correct them. But at the same time that is not sufficient for us. I do not know of any unnecessary expenses, or I should bring them to public view; I do believe there is not that want of system which the gentleman seems to suppose. This much I know, that at all the navy-yards are proper officers for distributing stores. There all the rigging, ropes, &c., &c., are kept apart, and, as far as a landsman, a lubber like myself, can judge, appear in great order.

In relation to the smaller vessels it appears by the report of the Secretary of the Navy that they are in perfect repair. The expense of sailing them is the only expense. I cannot but again repeat, because I think it of the last importance, that the security which these small vessels gives us greatly outweighs all disadvantages of expense. If we can lessen the expense, let us do it, in the hope that at another session we shall be able to find out where the evil exists. It is generally said, when this subject is under consideration, that we cannot attempt to cope with Great Britain. Because we cannot, are we to succumb to others? To provide no protection against smaller powers? At this moment the master of an American merchant vessel is employed in the service of the Emperor of China, a country possessing the greatest population in the world, for the purpose of protecting the citizens of the Emperor against some small pirates. Is there a fact can speak more strongly to us, that, without some sort of naval defence, with such a seacoast as we have, (and let it be recollected, sir, that our seacoast is much greater in proportion to our population than the Chinese,) we shall be at the mercy of the worst of the human race?

It was asked what mighty good the Navy has done. Let me ask the gentleman who asked that question, what mighty good our Army has done by land? When we consider the point of expense, let us consider the evils of different sorts. Let me ask gentlemen if the evils depicted to exist in Peru, where gold abounds, do not equal anything they can imagine to proceed from the want of money? We must forget the evils that force produces in the necessity which exists for having it. We cannot say, because some evil results from force, that we will not have it; for, if you have it not, others will. Our own experience should teach us the necessity of it. What was the effect of our eloquent addresses, when colonies, placed at

the foot of the British throne? They (the British) sent a fleet and army to Boston. They did not tell you power was right; but they said it with their fleet and army. Reason will tell us the same now; it is impossible to meet force but by force. The effects of naval force are well remembered. It is well recollected that in the Revolution Cornwallis marched from Charleston to Virginia. When he got there, a French fleet was on the coast. The very moment the fleet advanced by water, Cornwallis surrendered. Here was evidence of the effect of naval force. And it is by its efficiency that we must balance the great objection of expense. I have heard it stated here how much more expense a sailor is than a soldier. If we look to the fact, and contrast the efficiency of the two, we shall find that the superior efficiency of the sailor greatly outweighs the additional expense. There is one fact, very strongly illustrative of this principle, drawn from British history. It is found, by the papers laid before Parliament, that the present naval establishment costs seventeen millions annually. The expense of the army is nearly the same. With seventeen millions of water force, the navy of Great Britain makes her mistress of the ocean; with seventeen millions, the land force of Great Britain is contemptible. As concerns ourselves, all the attack we can expect to receive is on the ocean or on the seacoast, and we can by this fact see demonstrably that we can procure more protection for a certain number of dollars expended on the water than we can from the same number of dollars expended on the land. History shows that Republics are always naval powers; and navies have preserved their existence. The history of England, instead of destroying this argument, is in favor of it; the celebrated exploits of the Dutch confirm it. England, though a monarchy, is the freest in Europe, and all nations have enjoyed the greatest naval celebrity when they have been most free. A navy has no great general at the head of it, wielding an immense body of armed men. The commanders of ships have a very different influence. The admiral himself cannot act on the land. History does not show an instance where an attack was made on the liberty of a nation from that quarter. I am therefore disposed to give my feeble aid to support an efficient force upon the water rather than upon the land; and I believe the present establishment is by no means beyond what ought to exist.

Mr. RANDOLPH said, that as his objections to the Navy went to the whole system, he would make his observations at large, in preference to reserving them in detached parts on the various details of the bill. My object, said Mr. R., is to endeavor to persuade the House that they ought not to concur in the report of the Committee of the whole House. I have ever believed that the people of the United States were destined to become, at some period or other, a great naval power. The unerring indications of that fact were presented to us in a

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tonnage and number of seamen exceeding those of any other nation in the world, one only excepted. When, therefore, I proposed to reduce the Naval Establishment of the United States, it was not for the pitiful object of putting down some five or seven gunboats and two or three unimportant navy-yards, or of making the mighty reduction contemplated in the amendment of the gentleman from Pennsylvania. In other words, it was for the purpose of making barely such a retrenchment in the naval expenditure as might enable Government, after such retrenchment was effected, to go on with the aid of loans and taxes. We had two views of the probable state of the nation presented to us during this session. The first was a view of war, in which case it was agreed on all hands that loans and taxes would be necessary; the next was a view of peace, in which case it was believed that loans and taxes were unnecessary, and was so pronounced from the highest authority in the country on financial concerns. But now it seems to have a view of reduced military and naval expenditure which does not obviate the necessity of loans and taxes. My object in the proposed reduction was not to enable the Government to get on with the aid of loans and taxes, but to make such a reduction as would have enabled the Government to dispense with a recurrence to them.

I have said, sir, that the United States were, in my opinion, destined to become a great naval power; and I have read unerring indications of it in the commercial prosperity of our country, out of which alone it can grow. But I believe, if any thing could retard or eventually destroy it—if any thing could strangle in the cradle the infant Hercules of the American Navy—it would be the very injudicious mode in which that power has been attempted to be prematurely brought into action, and kept in action, during the two last administrations. Again, a naval power necessarily grows out of tonnage and seamen. We have not only driven away our tonnage, but have exerted ourselves with no little zeal, even at this very session, to prevent its ever coming back. We have not been willing to consent that vessels polluted by the unpardonable sin of a breach of the embargo should return. True it is, that we have not made the same provision in relation to seamen: we have conceived the guilt rather to reside in the wood or iron, than in the men who conducted it. But, although we have no provision for the express purpose that they should not return, unfortunately they have not returned; and the proof of this fact is evinced by another, viz: that landsmen are at this moment employed on board our few ships of war, because seamen cannot be procured. Our tonnage and seamen, then—the sinews of naval power—are wounded by our own measures, to a considerable degree. Again: it has always been understood, according to my view of the subject, that one of the principal uses of a navy was to protect com-

merce; but our political rule for some time past has been that of inverse proportion, and we have discovered that commerce is the natural protector of a navy. The proof of this is found, if not in every act of this House, certainly in most of the speeches delivered on this floor. I need only allude to a speech made by a colleague of mine, (Mr. GHOLSON,) who usually sits on my right hand, a few days ago, in which he stated that the power to regulate commerce was specially given by the constitution to the United States—not as a means of raising revenue, equalizing duties throughout the United States, and making all in fact one family—but, that it was put into the hands of Congress as a scorpion-whip to bring the other nations of the world to our terms; that, by turning away the light of our countenance—the sunshine of our commercial bounty—they might wither and decay.

I had always thought too, sir, that the revenue which a Naval Establishment naturally calls for was to be founded on commercial greatness; in other words, that commerce was to give us revenue, and revenue was to support a navy, which in return was to protect commerce. But, it seems we have changed all this—we have perverted the whole course of procedure—and why? Sir, shall we keep up an expensive Naval Establishment, necessarily driving us into loans and taxes, for the protection of a commerce which the Government itself says we shall not carry on; and when members of this House tell us that the natural protection of commerce is the annihilation of it? The Navy has now become a sort of fifth wheel to the political coach, and I am unwilling to keep it up, at this expense, on these grounds.

If, sir, the construction which I have taken of the sense of the House and of the Government be not correct, whence comes it that we have such cases before us as that of Daniel Buck? Whence comes it that we hear of Treasury instructions, not issued in the first instance for the purpose of expounding a law touching the clearances of vessels, that uniformity may prevail in the different districts, but supplementary instructions, becoming in practice the actual law of the land? In other words, if my construction be not correct, whence comes it that every principle formerly called federal—every principle of Executive energy and power—has been strained of late to an extent heretofore unparalleled? Whence comes it, that in the archives of this Assembly, we find copies of licenses given by the Executive power of the nation—to do what? To permit one part of this confederacy to supply another part with bread! We have had Executive licenses, graciously permitting that a portion of our citizens should not starve while the rest were revelling in plenty, and suffering for want of a market! Let us suppose, that in the fragments of history of the ancient nations of the earth, of those periods which are most involved in obscurity, we should find an Imperial rescript to this effect,

what would be the inevitable conclusion of the historian? That, if the Chief Magistrate of the Government could at pleasure starve one part of the people while another was rioting in plenty, that the individual who held this power was the greatest despot on earth, and the Government a purely unmixed despotism. But, sir, it would be improper to draw any such conclusion here, because we are the most enlightened people on earth—I believe we have placed that on record. It was nothing but the protection of the Navy of the United States, and a desire of avenging the attack on the Chesapeake—for, among all the causes of the embargo, we hear of none offenser than the attack on the Chesapeake;—it was nothing but a defence, not only of the commercial interests, but of the naval strength of the nation, which created this dictatorship in the person of the Chief Magistrate. It was not that we are naturally more prone to slavery than others, but it was for the preservation of our national defence, (if that be not positively opposed to national defence which costs four millions, and which, when Greek meets Greek, and the tug of war comes, must take refuge under such measures as those I have mentioned.) No, sir; my object in the bill which I presented to the House was a great one: it was to enable us to dispense with a loan to the acknowledged amount of \$5,150,000—to enable us to dispense with taxation, to an amount which no man can calculate, (if, indeed, the system which passed this House was constructed to bring in revenue at all) It was not a little, paltry affair of reducing a couple of navy-yards; not to bury the dead, who have been already interred in the marshes of the Mississippi; not twice to slay the slain: it was for a great public object. Really, sir, the reduction of the gentleman from Pennsylvania (Mr. SMILE) reminds me very forcibly of an incident which is said to have taken place at the discovery of the gunpowder plot. When commissioners were sent into the Parliament vaults, to examine into the situation of the gunpowder and combustibles collected together for the purpose of blowing up the King, the Parliament, and the whole constitution, they returned and reported that they had found fifty barrels of gunpowder; that they had removed five-and-twenty barrels, and humbly trusted that the remaining five-and-twenty would do no harm! This is precisely the reduction which the committee and the gentleman from Pennsylvania have agreed to make. It is a reduction which will not do any effectual service, and I therefore hope the House will not accord in it.

But, we are told that great and gigantic events in Europe are to be arrested. That which the British navy cannot do, I suppose, or that which the combined Continental forces opposed to her cannot effect, is to be decided here by three frigates; for that is precisely the extent to which, if I understand him, he is willing to go. It seems, we are also to suffer a total loss of the ships to be sold, they being

unfit for every other purpose. Are they unfit for the East India trade? Was not the first vessel which ever doubled the Cape of Good Hope, under the flag of the United States, the old frigate *Alliance*? And would not these vessels, if sold, be purchased for that and for other purposes; more especially when we consider the immense loss of tonnage which the United States have sustained—I will not say how, but when—within the last two years? But this, if well founded, would be no objection with me to the reduction of the Navy. I am willing to put a clause in the bill to authorize the President to *give* the frigates away, if he cannot *sell* them. My objection to the expense is not merely to pounds, shillings, and pence—not merely to the counting-house calculation—but to expenses utterly incommensurate to the object to which those expenses profess to go, and to a system of organized public plunder. If we agree to make this reduction, however, according to the statement of the gentleman from Virginia, (Mr. BASSETT,) foreigners will purchase from us ships of the best construction in the world, on the best terms. I believe, if the gentleman's knowledge on the state of our public ships was as accurate as perhaps it is on other subjects, he would hardly suspect foreigners of coming to our markets for the purpose of buying those ships to annoy our commerce. Who will become the purchasers—Great Britain? After having given her hundreds of thousands of tons of your shipping now sailing under the British flag, and manned her navy with your seamen driven from your employment, do you believe the Admiralty will send across the Atlantic to buy the hulks rotting at the navy-yard; or would it be a formidable accession to the British navy, especially when four of these vessels are absolutely unfit for any purpose whatever? I presume that even the Emperor of France, if it were an object with him to have these famous models of naval architecture at Antwerp, would hardly venture to purchase them, and run the risk of getting them across the ocean. I conceive you could hardly get insurance done on them at Philadelphia or Baltimore. The idea of keeping these vessels is absolutely idle, unless gentlemen are disposed to send their commerce on the ocean, and employ force in the protection of it.

Sir, I am extremely exhausted already—and I presume the House are fully as fatigued with me as I am with myself—but I will endeavor to go along with my loose remarks. The panegyric which the gentleman from Connecticut (Mr. DANA) has been pleased to bestow on the American naval officers, I have not the least indisposition to subscribe to, so far as my knowledge will permit me to go. As far as my information extends—as far as I have the pleasure, and I may add the honor, of being acquainted with those gentlemen—there is no class in society whom I think more highly deserving. And I did hope, when the gentleman went into this eulogium on the one hand, and inference at

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least of censure on that which he has been pleased to term "The Staff of the Navy"—but which I suppose I may as well call the *civil branch*, who have the control and management of the civil service; not the men who fight the battles, but who pocket the greatest part of the emolument—that he would have been more particular. Sir, I do know that comparisons are extremely unpleasant, and no consideration would induce me to go into them, especially after the observation of my friend before me, (Mr. Macon,) but the discharge of an imperious public duty. I can have no hopes of deriving any thing further than experience from the past Administrations. It is to make use of this experience that I call the attention of the House to the comparative expenses of the Navy under the several Administrations.

I find, from the Treasury statement in my hand, made on the 5th of this month, that the Navy under General Washington's administration, cost \$1,100,000; that during the four years of Mr. Adams's administration, it cost \$9,700,000, in round numbers; that, in the eight years of the succeeding Administration, it cost \$12,700,000. I make these remarks, because the statement differs from that made by the worthy gentleman from Connecticut in this respect; that, when he made the expenditure under the last Administration to amount to fourteen millions, he did, in my opinion, improperly saddle that Administration with the expenditure of the year 1801, viz: \$2,111,424, authorized and voted under Mr. Adams's administration. From the mere glance at this paper it will be seen, that from 1801 to 1802, the expenditure fell from the above sum of \$2,000,000, to \$900,000, marking distinctly the retrenchment at the period of Mr. Jefferson's accession. The first year properly chargeable to the last Administration is that succeeding the one in which they came into office, viz: 1802. I find, also, from a comparison of the statements in the same document, that the most extravagant year of the second Administration was the year 1800—the year after I first had the honor of a seat in this House—when the expenditure amounted to \$3,448,716. The most extravagant year of the last Administration was the year succeeding its going out of office, the expenses of which were incurred and voted by it, viz: to the amount of \$2,427,758.

Against the administration of Mr. Adams, I, in common with many others, did and do yet entertain a sentiment of hostility, and have repeatedly cried out against it for extravagance, and for profusion, and for waste—wanton waste—of the public resources. I find, however, upon consideration—whether from the nature of man, or from the nature of things, or from whatever other cause—that that Administration, grossly extravagant as I did then and still do believe it to have been, if tried by the criterion of the succeeding one, was a pattern of retrenchment and economy; and I ask the House to put the question to themselves, whether we are likely

to see, at any future period, an Administration more economical than that of which we have just now taken leave? And this I say, without meaning to cast the slightest imputation on the present. The person now at the head of affairs, has, at least in one respect, conducted himself in his high office in a spirit dear to my heart—it is the spirit of a gentleman. The first session of Congress under the last Administration was a period of retrenchment. Throw the session of last summer out of the question, and this must be the session of reform under the present. Have we any reason to conclude, from what we have seen or heard, that we can look forward to any policy more economical than that of the Administration of which we have just taken leave? I wish it to be clearly understood, that in the year 1800, in which our expenses amounted to \$3,448,060, we had three 44-gun frigates; six frigates, from 44 to 82; two of 82, of a large size; four of 82, smaller; eight from 82 to 20; three sloops of war and four brigs, from 18 to 16; and five brigs and schooners, from 14 to 12 guns—employing a total of 7,296 seamen. This Administration, too, it should be remarked, not only built every frigate, every vessel of respectable force—yes, sir, built them from the stump—which the United States now have, but many others, which have been since sold, and the proceeds of which have gone into the Treasury. At this time, then, when the United States had this formidable force afloat; when nearly 8,000 seamen were employed; (I know the documents only state 7,800, but I am told from the best authority there were nearly 8,000;) when our flag at least triumphed in our own seas; when we had nothing of that system of drawing within our shell, which the gentleman from Connecticut so justly derides; when we had not reached the soft-shelled state in which we were placed by the non-intercourse law;—at that time, the Navy of the United States cost nearly three millions and a half, making for each seaman about \$472. I know, sir, that these statements are dry, but they are useful in proportion as they are dry. According to the statement which my colleague (Mr. BASSETT) has made, and which he has told you not only came from the Secretary of the Navy, but was in the Secretary's own handwriting, the number of seamen which he had last year in employ was 2,728, which cost the nation \$2,427,000—for each man employed, within a trifle of \$900! Now, sir, if every seaman under the last Administration cost double the expense which was incurred for the same man under the preceding one, if the same system is continued, we have no reason to doubt that the seamen next year will cost double of their present expense. But, even suppose the expense to remain the same as it now is, will the Representatives of the American people agree to maintain a naval force which costs us \$900 (within \$13) per man, the use of which no man has attempted to guess, much less to demonstrate!

I wish to be indulged in a little further com-

parative political economy. I believe, sir, that the same good results in politics from comparing the merits of different Administrations, that results in medicine and surgery from the dissection of the human body—that they are fairly to be tried by the same rules. I find, then, that in the year 1800 the estimated pay of the officers is \$391,000, and that the estimated pay of the seamen in the same year is \$818,000. And yet, sir, by the estimate now before me, and which any gentleman can turn to, made for the year 1800, the subsistence of the officers, their pay, and that of the seamen, amounts only to \$296,000—a sum less, by nearly \$100,000, than the estimated pay alone of the officers in 1800—while the expense of the whole Establishment approach for the last year within \$1,000,000 of the expense of the year first mentioned. I am at a loss to account for these manifest inconsistencies, and I might say solecisms, in our political arithmetic. We have a Navy which we are told employs 2,700 men, which costs within a third as much as a Navy employing nearly 8,000 men, and yet, when we come to compare the great objects of expense—to wit: pay and subsistence of the officers and seamen, the reward of valor and merit—we find a contrast which I believe no man in this House is prepared to explain.

Now, sir—for the whole subject, thank God, is now before us—let us look at the expenses of the Marine corps. I have always understood that marines were necessary in proportion to the extent of the Navy—that such a force is put on board of every ship of such a number of guns. I find that in the year 1800, when we had nearly forty ships of war in commission, manned with nearly 8,000 men, the expenses of the Marine corps amounted to \$162,000; and in 1809, when we have ten or fifteen vessels of all sorts, manned with 2,300 seamen, the expense of the Marine corps amounts to \$211,000. And yet, sir, if we look at the items, there does not seem to be a very great variation between some of the most important—for instance, I find that the clothing in 1800 was estimated at \$38,000, in 1809 at but \$32,000—and yet, the troops whose clothing costs \$1,000 less, cost in the aggregate \$50,000 more. But, if we look at some of the items of this account, we shall be struck at once with the difference. The pay and subsistence for instance in 1800 was \$102,000, in 1809 it was \$160,000. I have been at the pains even to note the prices of the most material articles of provision, and find that in the old estimate beef is rated at \$18, pork at \$14, and flour at \$10 per barrel; while in the last year the same articles stood in the estimate of \$14, \$18, and \$8. The material article (flour) being much lower than in 1800, and the market value of the others also, I believe the inference would necessarily follow, that the subsistence ought to have been cheaper. But, sir, look at their establishment at the navy-yard, and I believe we shall want no ghost—

certainly no argument of mine—to show the cause of this difference of expense.

Then comes the navy-yards. Of these, that of Washington alone has cost nearly one-half of the sum expended on them all. Well might my colleague say it was worth as much as the whole, when it had cost as much; when, indeed, we have witnessed a considerable town—and the most flourishing town, too, in this wide region called the City of Washington—built out of the public treasury.

Yes, sir, we have economized until we absolutely have reduced the annual cost of a seaman from \$472—as it was under the very wasteful expenditure of Mr. Adams's administration—down to the moderate sum of \$387! We have economized until a paltry fleet, consisting of vessels built to our hand—to say nothing of those that have been sold, and the warlike stores of which have been retained and preserved; which fleet was built, equipped, and every cannon and implement of war purchased under the old Administration—has cost us \$12,000,000, when it cost the preceding Administration but \$9,000,000! Is this no argument for reduction! The gentleman from Connecticut (Mr. DANA) tells you he does not wish an annihilation, but a reform of the Naval Establishment. Sir, as long as a single chip remains in that navy-yard, you will never see any thing like reform; as long as you have a chip of public property—one chip of live oak belonging to the United States—you will have a man riding in his carriage, with a long retinue and deputies and clerks to take care of it. And, sir, if the gentleman from Connecticut does not mean utterly to disgust the people of the United States against a navy—if in truth he is a friend to a navy—he ought to join and put down this navy-yard, and not, with my friend from North Carolina, (Mr. MAOON,) keep it up, in hopes the enormity of the evil will at some time or other correct itself. Among the many reasons offered to this House for retaining the various parts of this Establishment, no one said a word in favor of the Marine corps—that went *sub silentio*—but a great deal was said in favor of Washington. We were told that our fleet might be *Copenhagened*, and that it was therefore necessary to stow it away here. We also heard of the great press of work in the large towns—of the mercantile employ which there came in competition with that of the United States. I believe, sir, that our workmen, and men of all descriptions, from the highest to the lowest—I speak of subordinates—have long ago found the truth of the old proverb, that “The King’s chaff is better than other men’s corn.” But it seems, that in order to get a commodity cheap, we are not to go where it is to be had—oh no, there is competition!—but we must bring workmen here in the mail-coach, by which conveyance I understand not only *live stock* for the navy-yard but copper bolts, and such *light articles*, are sometimes brought, I suppose, to get out of



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the way of competition—competition in the markets of Philadelphia and Baltimore, where they are bought at private sale. In this way have seamen, in some instances, been conveyed; and unquestionably every material of ship timber and naval store has been repeatedly brought from Norfolk to this place at an immense cost, worked up here by men collected from Baltimore, Philadelphia, &c., in order that, so worked up, it might go back to Norfolk, there to remain. But, sir, if our object really be to prevent our fleet from being *Copenhagened*, we had better put it above the Falls of Niagara. There it would unquestionably be most secure, unless the party on the other side of the lake should fit out a fleet to attack it; in which case, I suppose, we must resort to another series of measures similar to those lately adopted for the protection of commerce and the Navy. An embargo to protect ships of war! This is, indeed, putting the cart before the horse. We are to have a navy for the protection of commerce, and all our measures in relation to it are calculated on the basis of keeping it (poor thing! like some sickly child) out of harm's way! On the same principle of economy on which the navy yard is kept up here, viz: for fear that merchants and others should come into competition with the Government, I presume, we have sent abroad for workmen to carry on the public buildings. If the navy-yard is to be kept up here merely that it may be under our eye, I would humbly suggest, sir, that we first pluck out the beam that has so long blinded us. We need only to do that to see this building falling to pieces over our heads; and yet an enormous appropriation is called for towards finishing it, which I have no doubt my worthy colleague (Mr. LEWIS) will press very strongly before the close of the session.

I had forgotten the gunboats; and perhaps the best notice which can be taken of them, is that which is taken on some occasions of other things—to pass by them with contempt. They are not worth bringing into account, except for their expense. Children must have toys and baubles, and we must indulge ourselves in an expense of many millions on this ridiculous plaything!

But, sir, the sale of our superfluous vessels met with the high objection that they were to be purchased up by Christophe and Petion, and that the constituents of my colleague (Mr. BASSARD) are to be terrified, if not into bodily fear, at least out of their peace of mind, by these vessels; and, at the same time, we are told that Christophe was in such good credit, only forty miles off, that vessels are building at Baltimore for his use; and yet, sir, no gentleman has brought forward a bill making it penal to supply these barbarians with ships of war and warlike stores. In other words, sir, to avoid the possibility of Christophe and his seamen foundering on board these rotten hulks, my colleague would much rather drive him into Baltimore, where he can purchase good vessels, which will

answer his purpose much better than these frigates, which the barbarians would not know how to manage, and which are not calculated, from their great draught, for predatory warfare in the West India seas. My worthy colleague has given us a curious illustration of the superiority of naval over military force, by comparing the navy of Great Britain with her army. I suppose, if the argument were retorted on my colleague by a comparison of the army of Bonapart with his navy, he would say that the same amount was not there expended upon the navy as upon the army; whereas in England, the amount of money expended on each is equal. But, does not my colleague know that one and the chief cause of the superiority of the British navy over the army, is, that in the navy men rise by merit—that they do not get in, to use a seaman's phrase, at the cabin windows—and that the army, if we give credit to the Parliamentary investigation, is a mere sink of corruption—a mere engine of patronage—a place in which a corrupt commander-in-chief acts according to his vile pleasure, and the pleasure of all the pimps and parasites and harlots who environ him. This, sir, is the cause of the superiority of the naval over the military force of Great Britain. But, when the British navy shall have effected what the armies of other nations from time immemorial have done—when it shall have subjugated whole continents—then will I agree in the superior power of naval over military force. I have no hesitation in saying that I would rather vote for naval than military force, and it is because a naval force has not the same power as a military one. I have never heard of a despotic power created by a naval force, unless perhaps in the chieftain of a band of pirates.

But it would appear that the politics of my unfortunate friend from North Carolina, (Mr. STANFORD,) who sits near the Speaker, are a mere counting-house business of pounds, shillings, and pence, or dollars and cents; that, in fact, the spirit of lucre is transferred from the warehouses and counting-rooms of the merchants to the tobacco-fields and cotton plantations of the Southern planters; and that, to such a pitch has the patriotism of the mercantile class risen, that they are really ready to sacrifice one-half of their property for the protection of the Government of their country. If the gentleman from New York (Mr. MUMFORD) will permit me, I will protest against this idea. I have once before protested in company with that gentleman, and I hope he will permit me to protest, even when I have not the sanction of his respectable authority. With regard to the politics of my worthy friend from North Carolina, I recollect very well, in the days which were called the days of profusion, patronage and terror, his politics were not of that minute and microscopic grade that no scale could be graduated sufficiently low to measure them; that, if his republicanism was a matter of pounds, shillings, and pence, then and now, it was not that

sort of republicanism which was too cheap to be measured by the value of the smallest known coin, even by a *doit*. I really feel something like sympathy with the gentleman from North Carolina—and it is not at all to be wondered at; for the republicanism of that gentleman used to be that which I always have professed—and if the remark applied to the gentleman from North Carolina, who I believe is not yet quite out of the pale of the political church, how much more forcibly did it apply to an unpardonable political sinner like myself! With respect, sir, to this patriotism, or this republicanism, that has left the tobacco fields and cotton plantations, and taken up its dwelling in the counting-house, I beg leave to express my doubt of the fact. I never have had that high opinion of the mercantile class expressed by some gentlemen in this House. I think of them as of other men—that in proportion to the temptations to which they are exposed, so are they virtuous or otherwise. But, sir, I have not and cannot have confidence in a man to whom the great Emperor has given a paternal squeeze, whose property is sequestered at Bayonne or St. Sebastian—I disclaim any thing like personal allusion; I speak of a class—I cannot have the confidence, on the subject of our foreign relations, in a man so situated, that I can have in the planter or farmer whose property is growing on his land around the house in which he nightly sleeps—and why? Because, *mutatis mutandis*, I should not have the same confidence in myself. I should not believe it possible, if I had rich cargoes under sequestration in France, that I could vote free from the bias which the jeopardy of that property would throw on my mind.

Sir, I have been very irregular, because I have been compelled to follow, not the current of my own ideas, but the objections started by gentlemen in different quarters, and (as it is the fashion to express it) on different sides of the House, whom I have found united against the bill as reported by myself. I would ask, in a few words, if we ought to continue this establishment in its present state? I ask if it is necessary? For the expense of a navy has been proved to be in inverse ratio to its utility. To what purpose do we keep up the Marines, another branch of the Establishment? If I am correctly informed, these men are willing to run away whenever they have a chance to desert—if they can get an opportunity—and I am willing that they shall quit the service without being exposed to be brought to a court martial for desertion. Nothing, indeed, was said on the subject of the Marine corps, when the gentleman from Maryland (Mr. KEY) moved to strike out the whole section of the bill. Fertile as the gentleman may be in reasons, he did not offer one. He must have supposed it to be perfectly correct that a Marine establishment should be kept up for a navy employing 2,700 seamen, more expensive than the same establishment for a navy employing 8,000. It was, in-

deed, facetiously urged in the select committee, as a reason why these men should be retained, that they came to this House regularly on Sundays to serve the Lord—to assist at the weekly pageant here performed. Sir, far be it from me to say, or even to think, with the Protector Cromwell, that this is a House where the Lord has not been served for many years. But, permit me to state, that in our country, it is the practice to pay no man out of the public purse, even for advocating the cause of other people with the Most High, much less for advocating his own. In other words, that when men with us serve the Lord, they do it at their own expense.

We have heard to-day, sir—and I hope the report of Congress at their next session will verify it—that a grant of power to the Executive in relation to any subject—say borrowing of money—does not necessarily imply an exercise of that power. We have heard, too, that notwithstanding the power devolved on the President of the United States, by the bill authorizing him to borrow to an amount of upwards of five millions of dollars, which this day passed this House, to enable the Government to get along, we shall at our next session probably be presented with the joyful tidings that it is not necessary to make use of the power, at least in its full extent; but it depends upon our own act, whether this expectation be realized or not. We are, in this instance at least, of that description of prophets who have it in their power to bring about the event they predict. And I do earnestly hope that the House will not, by a disagreement with the report of the select committee, insure the defeat of their hope—the nonfulfilment of the prediction. I hope we shall take up the subject, and go through with it; that we shall account, and account rationally too, for some of the facts at least which I have presented to the House this day, in terms extremely defective, I know; but the time was short—now or never—and I presented them in the only mode in which I could possibly do it.

In the course of my observations, I think I forgot to mention that when the United States kept forty sail of armed vessels afloat, and employed 8,000 seamen, we had no navy-yards at all. If we had, there must have been some extraordinary oversight committed by the then Secretary of the Treasury; and I believe politicians were not any more apt then than now to omit any items of public expense; they crowded in all they could. In the estimate which I hold in my hand, there is no item of that expense. I hope, if the House agree (which God forbid!) to so much of the report of the Committee of the Whole as retains the frigates and ships of war, that they will at least consent to put down the navy-yard at this place, and break down the supernumerary Marines. Really, sir, I am fond of music, but I do not mean to grant \$211,000 of the people's money annually for a song. I hope at least that the

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Marines will be reduced, and that we shall retain at least not more navy-yards than ships. What would an honest Dutchman in the West think of a man who kept as many stables as horses, and those of the most expensive construction, too?

I have done, sir. I have endeavored to discharge my duty. No man is more sensible of a failure in the manner than I am; but I will thank any one to convince me of the utility of a navy, according to the doctrines and practice of the new school, and to facts, as far as they have been stated.

Mr. BASSETT said that his colleague could not always adhere to the principle that it was his duty to ferret out every error. Error is the lot of human nature, said Mr. B., and no one is infallible. Give a small authority to day, and it will increase to an unexpected amount before to-morrow. I am authorized to state that such has been the case in the Navy Department; that under the late Secretary of the Navy large expenses had been incurred; and that before he left his office he commenced a reduction of them. Since the present Secretary (Mr. Hamilton) has been in office, the expenditures have been much reduced. In the navy-yard at this place, for example, a permanent reduction has been made in the expenses to the amount perhaps of 30 or 40 per cent., and a very considerable reduction also as to immediate disbursements. It is nevertheless our duty, after the suggestions that have been made, to commence a thorough investigation, and I can only regret that the subject has been introduced to our attention at so late a period of the session. Instead of regretting what has been said, I am glad of it, and hope that at an early period in the next session an investigation will be made. Without any particular direction of the House, the committee of the Naval Establishment thought it their duty to examine the whole establishment at the navy-yard in this city. All the good expected from doing so was to convince them that the eye of the Government was upon them. I am proud to say that not only myself, but every gentleman of the committee with me, was much pleased with the appearance of things as they stood. It was not in our power to investigate minutiae. On visiting the establishment of the Marine corps we saw every thing in order; we saw the armory establishment, wherein we discovered that arms which had been injured were usefully and handsomely repaired. As well as we could discover by the eye, every thing was pleasing to my mind—and one innovation in discipline in the Marine corps gave me very great satisfaction, viz: the substitution of solitary confinement for personal chastisement. In the navy-yard, the expense of which has been much complained of, we saw great piles of useful buildings. These were not constructed without cost. The present establishment there, in addition to store-houses, &c., consists of an extensive forgery, where all the iron work for the navy is done, a lead foundry,

a brass foundry, where articles are made out of worn-out old metals, which otherwise would be of no use. I was desirous, both for my own information as well as that of the House, to procure an account of the work done at the navy-yard, to compare it with the expense—for that is the only way of fairly estimating the value of the establishment; but the time allotted to us during this session is not sufficient to attain that object.

Some facts I will also mention, which, though not from an official source, are known to me as matter of fact, viz: that the vessels now in service have been lately repaired in so complete a manner that they are worth more than when they were built. The President, the United States, the Chesapeake, Essex, John Adams, and others, were repaired at the navy-yard at this place, besides the Congress, now repairing. There have been several small vessels also built here. In short, I believe that since the establishment of the navy-yard here, there has been but one vessel repaired any where but at this yard. The Constitution was repaired at Boston. When we come to get the account of the expenses of that ship's repairs and compare them with the expenses of repair at the navy-yard in this city, we shall know how to appreciate that object. A full examination of it would, I feel convinced, entirely reconcile us to the great amount apparently expended here. A remark made by the gentleman from Connecticut (Mr. DANA) here applies with great force: that it was indispensably necessary to economy that there should be system and order; and how shall we accomplish that object but by regularly established navy-yards? Can you have economy when you go into market to bid for what you want? Can you expect system and order unless you pay for it? You cannot. Money is well laid out if it be done with honesty and integrity to pay for system and regularity.

I did not yet mention one particular fact on the subject of naval equipments, which I should have done, in the article of sail cloth, making an immense difference in the expenditure of 1799 and 1809. The gentlemen acquainted with the prices at these times could inform the committee that the difference in the prices of sail duck is somewhere about 100 per cent.

I will mention another fact: that although the President has power to employ 5,000 seamen, he has employed but 2,700 men, who have received bounties. Sound economy would authorize the retaining them a few months longer, till we come here again in the fall, till we know whether it be proper to disband them or not.

Although friendly to a naval force, I am not for keeping up any great naval force when there is no appearance of danger. At the present evil time, when every thing is uncertain, I am not for giving up one single atom of defence. If gentlemen will but cast their eyes along our seacoast, and look at our unprotected waters, at the situation of my particular district, they

would like me feel the necessity of some floating security; they would feel the value of that peace of mind necessary to me and to my constituents. With these observations I shall dismiss the subject.

Some further remarks were made by Mr. MACON and Mr. RANDOLPH.

The question was stated on concurrence with the Committee of the Whole in striking out so much of the bill as directs the unconditional sale of all the frigates but three.

Mr. RANDOLPH called for the yeas and nays on this question, considering it the pith and marrow of the business; and as the vote would show who were the navy and who the anti-navy men in the House.

Mr. SMITH said it would be remembered that his object in voting to strike out this part of the bill was to introduce the amendment he had offered in Committee of the Whole, viz: to place the Navy on the same footing as in 1806.

The following were the votes on concurrence with the Committee in striking out so much of the bill as relates to the frigates—yeas 76, nays 32.

So that part of the bill was struck out.

The first section, which requires the dismissal of all the seamen in service, except so many as sufficient to man three frigates, &c., was struck out—ayes 60.

The next amendment made by the committee was to insert "Washington" among the navy-yards to be retained.

The yeas and nays on concurrence with the committee—58 to 46.

So the navy-yard at Washington is among those to be retained.

The next amendment was to strike out the section of the bill which reduces the Marine Corps to two companies.

Mr. RANDOLPH said on recurring to the documents he found the price of the ratio in 1800 to have been 28 cents, whilst in the last year it was put 20; so that rations were now nearly a third cheaper than they were nine years ago, and the difference in the expenses of the Naval Establishment was, therefore, the more unaccountable. I had also taken it for granted, said Mr. R., that my colleague (Mr. BASSETT) was right in his statement of the seamen's wages being only eight dollars per month. But, sir, here is a statement on the subject—and I only wish that in the estimate of last year we had had the same valuable details as there are in the estimate of the year 1800—for the estimate in relation to the Navy Department for the last year is most shamefully deficient, as I could demonstrate if the House had time and patience and I had lungs. I find that there is in this estimate of 1800 a minute and detailed statement of every item of expense. Instead of the wages being eight dollars then and twelve now, as my colleague has been told, the pay was then for able-bodied seamen seventeen dollars per month, ordinary seamen twelve, and boys eight; so that this saving in the pay does not account for the monstrous difference. I have not time

to examine into the article of duck, but I believe the gentleman's duck will not swim any more than the rest of his arguments.

I trust, sir, that the House will not agree to the report of the committee for this reason: Referring to these documents, I discover that in 1800, when we had nearly 8,000 seamen, we had 890 marines; and in the year 1809, when we have only 2,700 seamen employed, we have agreeably to estimate precisely the same number of 890 marines. It would appear that something has taken place to render this species of force peculiarly valuable, or that these gentlemen possess a very successful art of keeping in, of not going out with others. And, sir, when I recollect the statements which I have heard on this floor and the sources whence some of them have probably been derived, I am not at all surprised that this navy-yard and this Prætorian camp, and everything connected with it, should keep up to the old height when every thing else has diminished. Eight hundred and ninety men! Call them 900, and you have one mariner for every three seamen. I have no doubt, if the House act on the principle on which they have done heretofore, that we shall have very polite assurances that these men are of the greatest imaginable service and have wrought wonders in defence of the country, but I cannot for my soul understand how this species of force goes to quiet the mind of my colleague or of his constituents on the Chesapeake.

I have done my duty on this subject, sir. From whatever motive, of that motive I am alone the human judge. I have acted the part of a real friend to the Administration of this Government. Like my friend from North Carolina, I belong to that "faction" which brought him from a minority to a majority on the very ground I now occupy. I have heard before of a people being their own worst enemies—but what shall we say to an assertion that persons selected from the people for their wisdom and discretion, should be their own worst enemies? Is it to the interest of the Administration that these abuses should continue, and that loans and taxes should be resorted to to cover them? Who, sir, are the true friends—I do not speak of motives—who in fact are the true friends of Administration? Those who move to abolish and retrench, or those who persevere in keeping up such establishments and resort to loans and taxes to defray the expense of them? Are you willing that any part of the loan authorized by the act which unhappily passed this House this morning should be borrowed for the purpose of keeping up as many marines as were deemed necessary in 1800, for treble the amount of naval force—and we then said it was a Government of profusion and patronage—yes, sir, we heaped a great deal of opprobrium and many hard epithets on it. I am just as tired now of maintaining idlers, and dissolute idlers too, out of the proceeds of my property as I was when I first came into Congress—and I care not whether it be under the Administration of a

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President called Republican, or of a man called a Federalist. I could repeat the very words then used. I do say that I never see one of those useless drones in livery crawling on the face of the earth that my gorge does not rise—that I do not feel sick. I see no reason why we should not maintain sturdy beggars in rags as well as beggars of another description in finel. I have as much respect as any one for the man who risks his life in his country's service—and I have shown it; but the man who has drawn on a livery and quartered himself on the public because he has not sufficient capacity to get a living elsewhere, I will not foster. The change may be rung to the end of time—gentlemen may talk about pounds, shillings, and pence, as long as they please, but these men shall never have a single cent of money with my consent. I wish every ploughman in the country could come and see these people, keeping equipages, living in splendor, in palaces almost—I hardly know five men in Virginia who could afford to live in such a house if their fathers had left it to them, much less if they had it to build, as some of these people occupy at the public cost. But because this proposition for reduction is made by a somebody, the cut of whose face or the cut of whose coat we do not like, we are to go on maintaining these locusts for spite. It is impossible to prevent the people from reading this. It may be said these are Federal lies. Ten years ago the same things were said to be Democratic lies; but they were tested by the most enlightened among the people, and found to be truth—even the story of Jonathan Robbins was then all a Democratic lie. You are to keep up the same number of marines that Mr. Adams kept up, but you maintain them at one-fourth greater expense, when not a man who hears me can pretend to designate the service they perform. I know you may be told these marines may be useful on shipboard, which, however, has not relation to the question before the House. The question is, how many marines are necessary, and in what battles are they employed? Recollect, sir, that in this estimate of the expenses of these marines, the Prætorian camp erected for their accommodation is not taken into question—nor do I believe there is a man in the House who can guess within a hundred thousand dollars what it has cost. I cannot—I do not even know the authority under which it was built. I suppose it was erected, like some other public buildings, without law, by authority unknown to the law. Yes, sir, and this is the place for Aaron Burr and such choice spirits. When they wish to turn us out of the House, where do they look but to men who are incarcerated and would run away at a bare invitation, much more would follow a military leader to plunder, to office, to cordons and legions of honor? I cannot consent to retain them. I feel indignant—I feel mortified at the conduct of that part of the House of Representatives calling itself Republican—because I believe, sir, that the hint given

by my worthy friend from North Carolina, has been taken by the gentlemen of another denomination, and they have thrown their weight so equally on both sides as to poise the balance—they have worked a sort of political equation there. Yes, sir, we must have fifty per cent. increase of the present *ad valorem* taxes, and an additional third upon molasses and brown sugar, upon the articles on which the poorest families on the seaboard make their daily meal—and in return we shall have a man, the texture of whose coat, whether homespun or imported, you cannot tell for the gold lace with which it is covered, and an establishment of marines at an expense of more than two hundred thousand dollars—and whom to protect? To protect the constituents of my worthy colleague, in the enjoyment of their peace of mind? When you consider in what manner every claim of merit is treated in this House—when you consider the poverty and misery in which thousands and tens of thousands of the people of the United States live, from whose earnings you daily take a part, I hope you will pause and reflect before you dispose of one doil of this sum on such objects. Why, sir, should a poor man laboring out of doors not be suffered to take his breakfast or give it to his children without paying a tax to the Government, in order that the man who does not labor, and whose head is of no more use to the community than his arms, should live in idleness?

But, unfortunately for myself, I have been here too long—I have seen the profits made by individuals with no other visible resources than the cheese-parings and candle-ends of the Government; and it has got to that now that every branch of our establishments has become a department—we have almost got a door-keeping department—not only in this House but elsewhere. But all I have said is wrong, very wrong—we are all Republicans, all Federalists—all is right—this is all an idle clamor, made to effect a given purpose. Sir, I might go on and compare these two books of 1800 and 1809 and take up every item of expense, military, naval, or civil—the civil branch of the Army as well as the military, the civil as well as the naval branch of the Navy—they are all, all alike. In this book (the estimate of 1800) is such a detailed statement that the value of every ration is stated, and the amount of force in detail. What have we here, in the estimate of last year? In relation to the Navy you have some three or four pages. I really had not a conception, till I came to examine it, that there could be such a difference between the estimates of 1800 and 1809. But if I am overruled, which I think highly probable from the appearance of things, we shall have the satisfaction, in case I return here next year, and Messrs. Pepin and Breschard give their attendance, of a fine band of music to entertain the audience—and for this undoubtedly the good people, the fishermen of Marblehead, and the planters of Virginia, will be proud to pay \$200,000. But this

is all right—it is all Republicanism! All Federalism!

Mr. W. ALSTON spoke in favor of reducing them, and Messrs. LYON, McKIM, BASSETT, and DANA, against it.

The question on concurring with the committee in striking out this section was decided in the affirmative—yeas 49, nays 48.

So the section for reducing the marines was stricken out.

A motion having been made by Mr. RANDOLPH to amend the bill so as to disband the *master commandants* now belonging to the Navy,

Mr. McKIM said he should like to know the gentleman's reason for getting rid of them. The gentleman had appealed to the House to know why they would retain them? The *onus probandi*, however, lays with the gentleman himself. He ought to show why they should be dismissed. Mr. McK. said he did not like to vote in the dark. His vote given without knowledge might derange the whole system. He hoped the gentleman from Virginia, (Mr. RANDOLPH,) from his extensive knowledge on the subject, would favor them with the reasons why these men should be dismissed.

Mr. BOND said he did not rise to make a long speech but to tell the House that he felt much imposed upon by the comparisons made between the late and Federal Administrations. If I were to do all this, said he, I might get into the newspapers and make believe that I am the first man in the nation; but I take things as I find them. The former Administration may have acted rightly in their day; but reason is to guide us. Sir, is it parliamentary, is it genteel, or agreeable to common sense, that a hundred and forty men should sit here listening to what one man says, and he having recourse to papers in every one's reach? I had rather consult the papers for myself: for I should not garble them, taking just what suited me, but should read the whole. No doubt gentlemen do what they think answers their own purpose and I what answers mine; and my purpose is the good of the nation. If a larger navy was necessary, I should vote for it; if an army of thirty thousand men was wanted, I should vote for it. Sir, have we no rights to defend? There never has been a time, in my opinion, since the Government was formed, that so preposterous a proposition was offered as this one to reduce the Army and Navy at this time—for what? Are the orders and decrees altered? I understand all Spain is in a state of blockade. For what have you given money to build fortifications? Pounds, shillings, and pence, are the order of the day—we sell a little tobacco, a little cotton—and our independence goes to wreck. But gentlemen even on their own principles go to work the wrong way. If they submit to get a little this year, they will get less the next, depend upon it. I think it my duty to speak in this open manner—not to please gentlemen, but for my country's good.

Mr. RANDOLPH said in reply to the gentleman

from Maryland, who wished to know why he wanted to get rid of the masters commandant, that it was because there never had been a reason assigned in this House for their creation. The act which established them had come from the other House at the end of a session; it had not originated in this House, and he had never heard a reason assigned in favor of them—and he had no knowledge that the public service had suffered from the want of them during the whole of Mr. Adams's Administration, and more especially not from the 4th of March, 1801, to April 1806. That gentlemen who voted against the proposition to reduce the Army and Navy, said he, should vote against my amendment is nothing more than natural; and I suppose if those averse to reduction had been put on the committee, we should have had no such bill reported. If gentlemen who voted for the general proposition that it is expedient to reduce the Army and Navy are willing to be held up as bowing the knee to foreign powers, let it be so. They were a large and certainly not disresponsible majority. I feel no sensibility on the subject. The House may act as it pleases; in whatsoever manner it may act, it will not affect my vote or conduct. I stand here, as I always have done, and always will do, on ground independent of all party considerations. If this amendment be submission to the belligerents, what is the proposition of the gentleman from Pennsylvania, (Mr. SMITH,) which is acknowledged to go further in reduction than the bill as first reported? It is in vain to oppose a reduction of the Army and Navy on the ground of submission. Gentlemen should prove that they are resistance. What resistance do they afford against their decrees or confiscation? Have they taken a single man out of a ship of war, or one man out of the dungeons of Paris or Arras? This is as plain a question of expediency as whether you will alter the time of holding the courts of the State of Maryland or any other question. Mr. R. had however some expectations that they should have some war speeches on this occasion, and they had them accordingly. They had heard some on the general proposition for reduction, and one this morning from the gentleman from Tennessee (Mr. RHEN) on the bill. Was it proposed now to declare war? Was it believed that the gentleman from Pennsylvania (Mr. SMITH) was disposed to submit to the belligerents? That the gentlemen on the other side of the House were divided on that subject, as they were upon the question of the reduction of the Navy? Was the gentleman from Massachusetts, (Mr. QUINCY,) who represented the town of Boston, so strenuous an advocate at this moment for war (and he supposed especially for war with England) that he was obliged to oppose a reduction on that ground? Was the gentleman from Maryland (Mr. KEY) who represented the adjacent district, in the same belligerent temper? Did he too oppose this proposition on the ground of resisting the belligerents or of

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making war with England? The very moment any political touch-stone was brought to test the objections to the bill which the committee had offered, they dissolved at once, and the opposition to it resolved itself into the principle of old Federalism. It was nothing else. It was office! patronage! expenditure of public money! And hence it was said (and for no other cause whatever) that these strange votes were seen. The gentleman from Connecticut, perhaps the only member or one of the very few on that side of the House who had a seat on this floor during the Administration of Mr. Adams, opposed the bill because, as he had told the house, he preferred his old principles—they had triumphed over his recent disgust, though even he acknowledged that great abuses had taken place. The gentleman had declared that he would stick to his old principles; and I, said Mr. RANDOLPH, am for sticking to mine; and my two friends from North Carolina (Messrs. MACON and STANFORD) who were also members under Mr. Adams's Administration, stick to their old principles, and I will venture to say will never relinquish them. It has not effected a change in the gentleman from Connecticut, that he and his friends are out, nor a change in my friends from North Carolina—I will not say that *they* are in the power, for of that they have not much to boast; but that *their friends* are in power. And why should this clamor be raised on the question whether you will or will not make a formal renunciation of the old articles of political faith? Although, on reconsideration, perhaps I have no cause to be surprised, and ought to pardon gentlemen. It is a situation in which no man likes to be placed, to be brought up and compelled either to forego present gratification or make a formal renunciation, something like the Christian at Algiers, who hesitates whether he will put on the turban and share the plunder of the day, or consent to abide by those principles which he received from his parents and from heaven. No doubt there are many who would infinitely prefer to slip over or slide under this question; and I am therefore glad, sir, that the decision of the chairman has enabled me to present the chalice to their lips and compel them to swallow it to the dregs.

Mr. RHEA said that the gentleman from Virginia held no obnoxious cup to him; for he should vote against the gentleman with the greatest imaginable pleasure. As to all that had been said about patronage, it had no weight with him. He had no relation in office, nor did he ever expect to have one. He had no object in view but the well-being and safety of the nation. He was unwilling to give the least evidence of a determination to relinquish any kind of opposition (though it was scarcely apparent) to the wrongful doings of other nations against the United States. He had made no war speech; if he had intended that, he should have made rather a different speech from any the House had heard from him yet. If they

went on in this way he said they would hold out an inducement to all the marauders in the universe to come and plunder the trade of the United States as they pleased. He repeated that he did not make war speeches; but he thought our situation required a war speech against somebody—he would not say who. We have indeed, said he, had sufficient provocation for war; and I say now, as I have said often before, that had we taken a proper stand at a former time, the United States would have avoided all their present difficulties. But so long as we go on as we have gone, and encourage a peace in war and a war in peace, so long as the Federalists teach us to acquiesce in all the iniquitous decrees of the belligerents, so long will our difficulties continue. I shall vote to continue the Navy, and I hope that this proposition, and any other to reduce the Naval Establishment, will be negatived; for on this establishment depends the protection of our maritime border, and safety of the people upon and near it. It may be said that I and my constituents are safe, but I will act for others who are not so.

Mr. DANA congratulated the House that the only point of controversy now with gentlemen who had heretofore complained so loudly of Federalism, was, that in coming up to the mark of Federalism they should not do it with so much violence as to go beyond it. He thought it would be well if our relative expenditures could be brought back to the worst year of Mr. Adams's Administration, and our measures as to foreign affairs to the first eight years of the Federal Administration, which, when it resolved, did it so sincerely and so unalterably. He congratulated the nation that it was no longer an argument against a measure that it had been adopted by those called Federalists; he rejoiced that this slang of party was scouted from the House—that it was no longer a piece of artillery successfully wielded on all sides. He hoped it would forever be dismissed, and that gentlemen, convinced of their error, would come up and place their recantation on record. If for the same sum as was expended for those objects by the Federal Administration they could obtain the same number of fighting men on land and water, he thought they would make an extremely good bargain, when compared with the state of things which now existed. Until this session he said he had been unapprised of the enormities of expenditure in the Navy Department for so little effect; that there had been so much of waste and so much done instrumental to the extension of patronage. He wished it however to be understood that he deemed it essential that those who compose the main body of the Army and Navy, those on whom the brunt of the battle falls, those who stand in the front of danger, should be well paid, well fed, and well clad, in such a manner that one need not blush to see them on parade appearing like the ragged recruits of Sir John Falstaff. When he saw the soldier

placed in this unfortunate situation, and the squalid unfortunate troops pointed at as objects of pity, and when this situation was the result of a want of attention in those who had the care of them, he could scarcely give utterance to his indignation.

Mr. D. said he did not feel disposed to diminish the number of fighting men afloat at the present time; though he was not influenced at all by the resolution which the House had passed not to submit. He had sometimes thought that they had passed too many resolutions to be resolute. No, sir, said he, if, when we were insulted on the water; if, when a British squadron remained in our waters in defiance of our laws, we had made use of our navy, our officers and men would have done their duty; but it was then deemed more expedient to deal in paper than in powder and shot. I feel that we have gone far enough, and too far, in the downhill course of debasement; by much too far. I would dismiss all this parade of words. I really would cease to think to terrify the French or British nation by them. Although those nations have hated each other for years, they look up to each other with reverence, because they know that victory would be glorious. I wish, too, that we should proceed in such a manner as that our actions should not wear the appearance of gasconade, and that we should march up to the works with a steady eye. I think, sir, that the population and strength of the United States and their commercial capital being augmented, it may be proper, after a lapse of ten years, to have a Peace Establishment somewhat extended beyond the former; and I am therefore against so great a reduction as is proposed.

On motion, the House then adjourned—41 to 38—at six o'clock, after a sitting of eight hours.

THURSDAY, April 26.

*Reduction of the Navy.*

The House resumed the consideration of the unfinished business.

Mr. SMITH moved the following as a substitute for the sections stricken out:

"And further, that the President of the United States be, and he is hereby, authorized to keep in actual service as many of the frigates and other public armed vessels as in his judgment the nature of the service may require, and to cause the residue to be laid up in ordinary in convenient ports; *Provided*, the whole number of officers and seamen shall not exceed that fixed by the act 'in addition to the act, supplementary to the act, providing for the Naval Peace Establishment, and for other purposes,' passed the 21st day of April, 1806."

Mr. S. spoke in support of his motion, and remarked that it would produce a saving in the next year's expenditure of near a million of dollars.

Mr. BACON, after observing that the amendment now offered would go to reduce the num-

ber of seamen in service to two hundred and ninety-five, a number smaller than that authorized by the bill as originally reported, as it would not man more than one frigate, three armed vessels, and the twenty-two gunboats at New Orleans, moved to amend the section by including also the seamen (five hundred additional) authorized by the act of the 8d day of March, 1807.

Mr. REKA said that this proposition amounted to just the same as the original bill, as respected the number of men to be employed. He asked whether it was proper to ask this House to do (in other words to be sure) that which they had the day before refused to do. This was no time for those who voted to increase the Navy to vote to reduce it. What reason had been given for such a course? Gentlemen had said that they believed if nobody attacked us, we should attack nobody, and that, therefore, we should have no war. Gentlemen might have some internal evidence, incomprehensible to him, that we should continue in a state of peace, or might have some reasons evident to themselves; but unless these reasons were communicable, Mr. R. said he could not consent to the amendment. They had been told that there was no such thing as a disposition in this House to go to war. How had this indisposition for war got into the House? Mr. R. could not account for this dread of war. He said he had not the least disposition to give evidence of submission to foreign powers by putting down the small naval force we have; for doing so would evince our apathy and indisposition to protect our rights. If we go on in this manner, said he, we shall be the prey of every picaroon on the ocean. We shall become a prey to our black neighbors of St. Domingo. For what reason are we to subject even our coasters to plunder and abuse? To save money! Why, sir, if we do it we shall be plundered to an amount sufficient to fit out a little navy. At least let us defend ourselves against these black people of St. Domingo. We shall have nothing to prevent the barbarian cruisers from coming on our coast, and there is hostility enough in Europe against us to set those people, as well as the cruisers from St. Domingo, against us. The reduction will not comport with the safety of the nation. The House has already declared by its vote that it will not sell any of the frigates. Will it contradict itself by taking away the seamen? Now that our naval force consists of picked men and the very best officers, I am unwilling to disband them and pick up men just as they are wanted. I am utterly against any reduction now, when we have no evidence of better times; for we have no official information before us to that effect.

Mr. BASSSETT said he was about to have proposed an amendment, but was prevented from so doing by Mr. BACON's. He wished to retain the first part of Mr. SMITH's amendment, and to add to it a proviso that the number of seamen should not exceed two thousand seven hun-



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dred and twenty-three, (the number now in service.) The effect of the amendment thus amended would be to give to the President an authority which he has not now, to cause the frigates to be laid up at any time he thought proper.

Mr. TALLMADGE spoke of the obscurity in which the amendment was involved by a reference to so many different laws. He could not vote for it, he said, unless he could understand it.

On the suggestion of Mr. BACON, Mr. SMITH modified his motion by making the proviso to read as follows: "*Provided*, That the number of seamen and boys to be retained in service shall not exceed ———." This blank Mr. BACON proposed to fill with one thousand five hundred.

Mr. RANDOLPH said he was afraid, after the pledge that this House had given to reduce the Naval Establishment, that that pledge was not to be redeemed; that the whole business was to end in smoke, unless some pitiful, paltry retrenchment, to the amount of a hundred thousand dollars, was made to enable them to swear by—to say here and out of doors, and to enable the public prints to say, that they had reduced the Naval Establishment. It is a matter of fact, said Mr. R., that when the Administration of Mr. Adams went out of power, they made the only reform which has ever taken place in the Naval Establishment of the United States, and that at the succeeding session no reform was made. The act of the 8d of March, 1801, authorized the President, when the situation of public affairs in his judgment should render it expedient, to cause to be sold all the vessels of the Navy except the frigates of the United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress New York, Boston, Essex, Adams, John Adams, and General Greene; and of that number the President was further authorized to lay up all except six. To the vessels laid up were attached one sailing master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal, and eight marines, and from ten to twelve seamen, according to the size of the frigate. This was the act which we found already passed when we came into power—I do not wish to be arrogant, but say we to save circumlocution. By the same act were retained in service—mark that, sir—nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, to receive only half pay when not in actual service; and the officers dismissed under that act (and a very considerable number they were) received four months' pay in addition to their other emoluments as a gratuity on quitting the public service. This is the act on which we proceeded; and under that act you will find that the expenses of the Navy amounted, in 1802, to \$915,000. Well, sir, it seems we were then of opinion that even our predecessors had in one branch of reform gone far enough. It was not my opinion; but it was the opinion of a ma-

jority of this House and of the other. In 1808 the President was authorized to buy or build four vessels, to carry not exceeding sixteen guns each, for the protection of our commerce in the Mediterranean, and towards this object \$96,000 were appropriated. It was not until 1803 that any increase took place in the naval establishment left us (if the expression may be pardoned) by the Federalists. We had slept long enough, I suppose, on reform, and we made this little addition. But, sir, in the unfortunate year of 1806, the memorable year of the schism, as it is called, the year of non-importation-act memory, in that year when we had a war message against Spain on the table, and a message of a different character locked up in the drawer—in that year we passed an act which has been quoted, by which we repealed the second and fourth sections of the act to provide for the Naval Peace Establishment; that is to say, we undid the reform which had been carried into execution by our predecessors—with a very ill grace, I acknowledge, and at the very last time of asking, on the 8d of March, 1801, late at night—it was a forced put, no doubt of it—we passed an act in which we repealed the second and fourth sections of that act, and added to the officers of the Navy as follows: instead of nine captains, to which number the Federal Administration had reduced them, and which number we believed for four years to be amply sufficient, we added five new captains—and yet we ought to recollect that in the interim between these two acts the frigate Philadelphia had been wholly lost, and another frigate (the General Greene) retained in the service by the act of the 8d of March, 1801, worse than totally lost, as any one may see who will go and look at her remains in the navy yard—so that the number of officers made by Congress in 1806 was in the inverse ratio to the number of ships, and, with two frigates less, we determined to have five captains more. This same act of April 21st, 1806, only doubled the number of lieutenants. The act of the 8d of March, 1801, reduced the number to thirty-six; the act of 1806 repealed that reduction and authorized the appointment of seventy-two lieutenants—it is true, sir, that the same act made no addition to the number of midshipmen, nor to the number of ordinary seamen then in service. Then again the act of the 8d of March, 1807, added to that number five hundred seamen, making the whole number of seamen 1,425. Subsequently they have been increased by the act of January 31, 1809, as the House knows, to 2,700—and an increase is authorized to the number of 5,000, with 800 additional midshipmen. I do hope that the gentleman from Pennsylvania, and the gentleman from Massachusetts, will be prepared to give this House some reason, when we have not added a single frigate to the number retained by the act of 1801, when we have even lost two of those retained by that act, when several others are almost in the last stage of decay, why we should require five captains more than the Fed-

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*Reduction of the Navy.*

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eral Administration required for a greater number of vessels, and why we should double the number of lieutenants? In other words, why the number of officers should now be fixed agreeably to the act of April 21, 1806, rather than that of the 3d of March, 1801? Sir, the gentleman from Massachusetts has already demonstrated to the House, and I am thankful to him for it—I know with what authority any statement comes from that gentleman—that the real protection afforded to the constituents of my worthy colleague by the bill, as reported by the select committee, is greater than that afforded by the amendment of the gentleman from Pennsylvania—that is to say, that it would keep a greater number of seamen employed, with fewer officers to be sure, because we retain only as many as we want. The efficient protection afforded by the bill as it originally stood is greater at a less expense—because that branch of the naval service of which I have been compelled to present so hideous a picture to this House is left by the amendment untouched. My worthy colleague (Mr. BASSETT) stated yesterday—and I confess it was quite novel to me; I felt so astonished at it as not only to be unable but absolutely to forget to reply to it—that before he left the Department, the ex-Secretary of the Navy had commenced a system of economy, which system it seems is now prosecuting with renovated vigor by the present Secretary—the mantle of Elijah has descended on the shoulders of his successor. I am sorry, sir, to differ with my worthy colleague on so many points; but I am really not sorry that circumstances have put it in my power to prove, from the most incontestable authority, that where I have the misfortune to differ from him, I am most indubitably supported by facts. Now, sir, the first year's expenditure under the late Secretary of the Navy was \$915,000. Even in that year the appropriation was exceeded, and we had to pass an appropriation bill to make up the deficit; and from that time to his going out of office, the expenditure of that department has regularly increased. The second year, the expenditure was \$1,246,000; the next year, \$1,278,000; the next year (and this was the year the Philadelphia was taken—she was taken about December, 1803, and that year, I believe, was about the most vigorous of the war) the expenditure was \$1,597,000; the next year, \$1,649,000; the next year, \$1,722,000; the next year, \$1,884,000; the next, two millions and a half within a trifle. Now, sir, this is a specimen of such economy as does not suit my taste, nor, I believe, the taste of the people of this country. I believe it is in proof and in the recollection of every member of experience on this floor, that that Department has long ago passed into a proverb of prodigality and waste; and if my honorable colleague will give himself an opportunity to probe it, he will find such was the fact. With respect to the present Secretary of the Navy, I have the best reason to believe that, on his coming into office, he did take various steps to introduce reform into

the civil branch of the department—in regulating and checking the pursers, for instance.

Sir, a few days ago a bill was before this House for appropriating a small sum of \$30,000 to prevent the most precious archives not only that this country but that any other country possesses, the evidence of the titles of our political independence, the title-deeds of the great American family, the great charters of our liberty, from destruction. The gentleman from Pennsylvania (Mr. SMITH) did on that occasion vehemently oppose this bill, and on this ground—(the bill was brought in by a gentleman from Massachusetts—Mr. QUINCY) that though there was no impropriety perhaps in gentlemen on that side of the House voting for unnecessary expenditures of the public money, which in the present unexampled state of the Treasury, might tend to embarrass the Government—a strange doctrine to be sure—yet it did not become him to do it. I do hope that the worthy gentleman from Pennsylvania, who could not find it in his heart to loosen the purse-strings of the nation for the purpose of preserving the valuable archives of the country, and which, if another fire should break out in the building at the other end of the palace, between this time and the next session of Congress, might be irredeemably destroyed, for which those who were the cause of the destruction would have been answerable—if he would not vote money for this object, I hope he will not insist upon exceeding, in point of expense, as relates to the Navy, the reform which our predecessors, the Federalist, made before they went out of office, which we accepted at their hands and were contented to practise on for four years, and not compel us to go into unnecessary and wanton expenses authorized by the act of April, 1806—when, I have no hesitation in making the assertion, and am prepared to prove it, a material change was effected in the principles of those in Administration, such as I knew them, and such as they were practised upon for about the term of four years, when we began to find that patronage was a very comfortable thing, that office was desirable, that navies were not the bugbear we had thought them, and that armies were very good depositaries for our friends and relatives and dependents who had no better resource. I, therefore, move to amend the amendment of the gentleman from Pennsylvania so as to reduce the Navy to the standard of the act of 1801.

This is indeed, said he, a novel situation in which I find myself—it is unprecedented. Little did I believe that the time would ever come when it would be my lot thus to press economy upon a Republican majority—to intreat that they would come down, not to any ideal imaginary standard of perfection—not to any theoretical proposition of mine—but that in practice they would come down, on the subject of naval expenditure, to the standard established by their Federal predecessors: and that too when we have lost, as I stated before, the

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Philadelphia and General Greene, and when, I believe, the John Adams is in a condition that I will not attempt to describe—I understand this vessel is so cut down and metamorphosed that nobody knows what to make of her; that she retains nothing of her former character. When I make this motion, sir, I do it with an intention of moving other amendments to other sections of the bill, so as to make the service of the United States in relation to the navy-yards and marine corps comport with the reduction which will have taken place, provided I have the good fortune to succeed.

Mr. R. then moved to amend Mr. SMILIE's proposition by adding the following:

"And that the President shall retain in the Navy service of the United States nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the frigates and other armed vessels to be kept in service; and that he be authorized to discharge all the other officers in the Navy service of the United States; but such of the aforesaid officers as shall be retained shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service. *And provided further,* That all the commissioners and warrant officers who shall be discharged as aforesaid shall be entitled to receive — months' pay over and above what may be due to them respectively at the time they were discharged."

Mr. JOHNSON expressed his hope that the House would come to some decision, without consuming more of the time of the House in debate.

Mr. SMILIE said he was seriously in favor of a reduction in the Navy, and was therefore opposed to Mr. RANDOLPH's amendment to his amendment.

After some further remarks of Messrs. RANDOLPH and DANA in favor of a reduction, and Messrs. McKIM, BOYD, and RHEA of Tennessee against it, the question was taken on Mr. RANDOLPH's motion to amend Mr. SMILIE's amendment, and negatived—yeas 86, nays 67.

Mr. NEWTON then said he was anxious to do his duty; but could not consent to stay here when one-third of the House at least had deserted their seats and fatigue oppressed the remainder. He therefore moved to adjourn.—Carried—yeas 60, after seven hours' sitting.

FRIDAY, April 27.

#### *Mortality of the Troops at Terre aux Boeuf.*

Mr. NEWTON, from the committee appointed to inquire into the causes of the mortality which prevailed in the detachment of the army ordered for the defence of New Orleans, made a long report, accompanied with various depositions and other papers. The report concludes as follows:

"The committee, from a knowledge which they have acquired of the climate of New Orleans and of the country surrounding it, and from the facts stated

in the depositions, are of opinion that the mortality in the detachment ordered to New Orleans is to be ascribed to the following causes:

"1st. The detachment consisting of new levies.

"2dly. The insalubrity of the climate, the summer and autumn of the year 1809 being unusually sickly.

"3dly. To the nature of the ground on which the detachment was encamped at Terre aux Boeuf, and the detention of it at that place during the whole of the summer, contrary as the committee conceive to the instructions contained in the letter of the Secretary of War bearing date the 30th of April, 1809.

"4thly. To the want of sound and wholesome provisions and of vegetables—the want of an hospital and of hospital stores and medicines.

"5thly. The excessive fatigues to which the troops were subjected in clearing, ditching, and draining the ground on which they were encamped.

"6thly. To the want of repose during the night, owing to the troops not being provided with bars and nets to protect them from the annoyance of mosquitoes.

"7thly. The want of cleanliness in the camp, the nature of the position rendering it almost impracticable to preserve it.

"8thly. The sick and well being confined to the same tents, which neither protected them sufficiently from the heat of the sun, nor kept them dry from dews and rains."

The report and documents were ordered to be printed.

SATURDAY, April 28.

#### *Reduction of the Navy.*

The House resumed the consideration of the bill for reducing the Naval Establishment of the United States.

Mr. SMILIE's amendment was modified so as to fix the number of officers, &c., to be retained in service, as follows: thirteen captains, nine masters commandant, seventy-two lieutenants, — midshipmen and — seamen, ordinary seamen and boys.

Mr. MUMFORD again moved to postpone the further consideration of the subject indefinitely—lost, yeas 40, nays 54.

Mr. RANDOLPH moved to strike out the numbers thirteen, nine, and seventy-two, in the amendment, being desirous of reducing the officers, if any part of the establishment. Motion lost, yeas 40, nays 46.

Mr. N. R. MOORE called for a division of the question on Mr. SMILIE's amendment.

And the question was taken on that part of it which authorizes the President to keep in service so many of the armed vessels as he may think proper, and to lay up the rest in ordinary in convenient ports. This part of the amendment was agreed to—yeas 61, nays 38.

The second clause of Mr. SMILIE's amendment being under consideration—

Mr. SMILIE moved to fill the blank for the number of midshipmen with "one hundred and fifty" (about half the number at present in service)—Agreed to, yeas 51, nays 37.

The question was stated on filling the blank for the number of seamen to be retained with "two thousand seven hundred and twenty-three," as moved by Mr. BASSSETT, and rejected, yeas 46, nays 52; also the question was taken on filling with 2,000, and rejected, yeas 89, nays 56; also on filling with 1,400, which was carried; and the House then adjourned.

TUESDAY, May 1.

*General Wilkinson.*

Mr. BUTLER, from the committee appointed to inquire into the conduct of Brigadier General James Wilkinson, rose to make a report.

The question on reading the report was taken and carried, 58 to 32.

The report is as follows:

The committee to whom was referred the resolution of the 4th instant, directing an inquiry into the conduct of Brigadier General James Wilkinson, in relation to his having at any time, while in the service of the United States, corruptly received money from the Government of Spain, or its agents, or in relation to his having, during this time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States, and to inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States, report, that they have had under consideration the several subjects of inquiry, and have investigated them to the utmost of their power since the time of their appointment, but from the limited period in which they have acted, and from the extensive and complicated nature of the subjects, they are under the necessity of stating that they have not been able to make any thorough and conclusive investigation of the objects of their inquiry.

Such testimony, however, as they have been able to procure, they beg leave to submit as part of this report, and which may be referred to under the following heads and order:

In relation to the first objects of inquiry, to wit: the receipt of money by General Wilkinson from the Spanish Government or its agents, refer to the

[Here follows a list of papers, 19 in number.]

In relation to the second object of inquiry, to wit: the connection of General Wilkinson with the agents of Spain in a project to dismember the United States, refer to the

[Here follows a list of 11 papers.]

In relation to the third object of inquiry, to wit: General Wilkinson's connection with Aaron Burr, refer to

[Here follows a list of 14 papers.]

In relation to the fourth point of inquiry, to wit: the conduct of General Wilkinson, as Brigadier General of the army of the United States, refer to the

[Here follows a list of 6 papers.]

The committee think proper, also, to submit the following papers relating to tobacco and other commercial transactions in which General Wilkinson was

concerned, from the month of — in the year 1788, to the month of — in the year 1790, to wit:

[Here follows a list of 10 papers.]

In making the last preceding statement the committee beg leave to remark, that from an examination of the sentence of the military court of inquiry, ordered at the request of General Wilkinson, and of which Colonel Burbeck was President, it appears that the tobacco transactions of General Wilkinson at New Orleans in 1789 and 1790 constituted a material part of that inquiry, and that a copy of an account current was laid before the said court by General Wilkinson and designated by No. —, and several letters accompanying said account, supposed by the court to be in the handwriting of Philip Noland, the agent of General Wilkinson.

The committee conceiving that the papers collected by the said court would aid them in their investigation, made application for those papers to the Secretary of War, but were unable to obtain them, they having been taken from the office by General Wilkinson, as appears from the deposition of John Smith, chief clerk in the War Office. The committee then directed a subpoena to General Wilkinson, requiring him to send or produce all the papers which had been used or collected by the said court, in obedience to which General Wilkinson sent to the committee a packet of papers which did not contain either the account and letters referred to in the sentence of the court, or the defence of General Wilkinson, nor have the committee been able to procure them, and, consequently, have not had it in their power to compare the accounts herewith exhibited with those which were laid before the military court of inquiry. For the further elucidation, refer to Walter Jones's deposition, marked W. J.

The committee also submit the deposition of Daniel W. Cox, authenticating the papers to which he specially refers, marked D. W. C.

Mr. GHOLSON observed that the reading of the documents accompanying the report would take until midnight, at least, and he hoped there would be no objection to dispense with the reading of them.

No one objecting, the reading of the documents was dispensed with, and the whole was ordered to be printed.

*Adjournment.*

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him of the proposed recess of Congress.

The House proceeded to consider the resolution from the Senate to appoint a joint committee to wait on the President, and acquaint him of the proposed recess of Congress; and the same was concurred in by the House: and Messrs. CRAWFORD and ROANE were appointed the committee on the part of the House.

A message from the Senate informed the House that the Senate, having completed the legislative business before them, are ready to adjourn.

Mr. CRAWFORD, from the joint committee to

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*Adjournment.*

[H. OF R.]

wait on the President of the United States, and inform him of the proposed recess of Congress, reported that the committee had performed that service, and that the President informed them that he had no further communication to make to Congress during the present session.

*Ordered,* That a message be sent to the Sen-

ate to inform them that this House are now ready to adjourn; and that the clerk do go with the said message.

The clerk accordingly went with the said message; and, being returned, the SPEAKER adjourned the House until the first Monday in December next.

## ELEVENTH CONGRESS.—THIRD SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 3, 1810.

## PROCEEDINGS IN THE SENATE.

MONDAY, December 3, 1810.

The third session of the eleventh Congress, conformably to the Constitution of Government of the United States, commenced this day; and the Senate assembled at the city of Washington.

## PRESENT :

NICHOLAS GILMAN and CHARLES CUTTS, from New Hampshire.

CHAUNCEY GOODRICH and SAMUEL W. DANA, from Connecticut.

JONATHAN ROBINSON, from Vermont.

OBADIAH GERMAN, from New York.

MICHAEL LEIR, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH, from Maryland.

WILLIAM B. GILES, from Virginia.

JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD and CHARLES TAIT, from Georgia.

JOHN POPE, from Kentucky.

ALEXANDER CAMPBELL, from Ohio.

JOHN GAILLARD, President *pro tempore*, resumed the chair.

The number of Senators present not being sufficient to constitute a quorum, the Senate adjourned.

TUESDAY, December 4.

JOHN LAMBERT, from the State of New Jersey, ELISHA MATHEWSON, from the State of Rhode Island, and PHILIP REED, from the State of Maryland, severally attended.

The credentials of CHARLES CUTTS, appointed a Senator by the Legislature of the State of New Hampshire, in place of Nahum Parker, Esq., resigned; also, of SAMUEL W. DANA, appointed a Senator by the Legislature of the State of Connecticut, in place of James Hillhouse, Esq., resigned, were severally read; and the oath required by law was, by the PRESIDENT, administered to them, respectively.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

*Ordered*, That Messrs. SMITH, of Maryland, and GILMAN, be a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled and ready to proceed to business. The House of Representatives have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

On motion, by Mr. SMITH, of Maryland,

*Resolved*, That James Mathers, sergeant-at-arms and doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

Mr. SMITH, of Maryland, reported from the joint committee that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses to-morrow at 12 o'clock.

WEDNESDAY, December 5.

TIMOTHY PICKERING, from the State of Massachusetts, and STEPHEN R. BRADLEY, from the State of Vermont, severally attended.

*President's Annual Message.*

The following Message was received from the PRESIDENT OF THE UNITED STATES :

DECEMBER, 1810.]

*President's Annual Message.*

[SENATE.]

*Fellow-citizens of the Senate  
and House of Representatives :*

The embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty in meeting you to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, having invited, in a new form, a termination of their edicts against our neutral commerce; copies of the act were immediately forwarded to our Ministers at London and Paris, with a view that its object might be within the early attention of the French and British Governments.

By the communication received through our Minister at Paris, it appeared that a knowledge of the act by the French Government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the first day of November ensuing. These being the only known edicts of France within the description of the act, and the revocation of them being such that they ceased at that date to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation, bearing date the second day of November.

It would have well accorded with the conciliatory views indicated by this proceeding on the part of France, to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions towards them, restoration would have been immediately made of the property of our citizens, seized under a misapplication of the principle of reprisals, combined with a misconstruction of the law of the United States. This expectation has not been fulfilled.

From the British Government, no communication on the subject of the act has been received. To a communication, from our minister at London, of a revocation, by the French Government, of its Berlin and Milan decrees, it was answered, that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude, the intention of relinquishing, along with the Orders in Council, the practice of those novel blockades, which have a like effect of interrupting our neutral commerce: and this further justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations than inconsistent with the rules of blockade formerly recognized by Great Britain herself, could have no alleged basis other than the plea of retaliation, alleged as the basis of the Orders in Council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is, indeed, scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be, in effect, comprehended in the Orders in Council, was too distinctly brought within the purview of the act of Congress not to be comprehended in the explanation

tion of the requisites to a compliance with it. The British Government was accordingly apprised by our Minister near it, that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that Government, no progress has been made from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution, of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has lately been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens, not having obtained justice for them, a further and more formal interposition with the Danish Government is contemplated. The principles which have been maintained by that Government in relation to neutral commerce, and the friendly professions of His Danish Majesty towards the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted, and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture I did not delay the interposition required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the Territory of Orleans are applicable. With this view, the proclamation, of which a copy is laid before you, was confided to the Governor of that Territory, to be carried into effect. The legality and necessity of the course pursued, assure me of the favorable light in which it will present itself to the Legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the Powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted, and to have become more firmly established.

Whilst it is universally admitted that a well-instructed people alone can be permanently a free people, and while it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I cannot presume it to be unreasonable to invite your attention to the advantages of superadding to the means of education, provided by the several States, a seminary of learning, instituted by the National Legislature, within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriot-

ism, and by assimilating the principles, the sentiments, and the manners, of those who might resort to this temple of science, to be redistributed, in due time, through every part of the community, sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well-constituted seminary, in the centre of the nation, is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundations than to adorn the structure of our free and happy system of Government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct, will doubtless be felt by Congress in devising further means of suppressing the evil.

In the midst of uncertainties necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement. The Secretary of War and Secretary of the Navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures, and the grounds on which they were made.

The corps of engineers, with the Military Academy, are entitled to the early attention of Congress. The buildings at the seat fixed by law for the present academy are so far in decay, as not to afford the necessary accommodation. But a revision of the law is recommended principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the Seat of Government or elsewhere. The means by which war, as well for defence as for offence, is now carried on, render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a Government happily without the other opportunities, seminaries, where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger, with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defence be made at so little expense, or more consistently with the public liberty.

Reserving for future occasions, in the course of the session, whatever other communications may claim your attention, I close the present, by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united councils, and inflexible exertions, for the welfare of

our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.  
JAMES MADISON.

WASHINGTON, December 5, 1810.

FRIDAY, December 7.

JOSEPH ANDERSON, from the State of Tennessee, attended.

TUESDAY, December 11.

RICHARD BENT, from the State of Virginia, attended.

WEDNESDAY, December 12.

The VICE PRESIDENT of the United States resumed the chair.

JESSE FRANKLIN, from the State of North Carolina, also took his seat in the Senate.

THURSDAY, December 13.

HENRY CLAY, from the State of Kentucky, took his seat in the Senate.

MONDAY, December 17.

JAMES LLOYD, from the State of Massachusetts, took his seat in the Senate.

TUESDAY, December 18.

JOHN CONDIT, from the State of New Jersey, and JOHN SMITH, from the State of New York, severally took their seats in the Senate.

*Bank of the United States.*

Mr. LEIB presented the petition of the President and Directors of the Bank of the United States, praying a renewal of their charter, for reasons therein stated; and the petition was read, and referred to a select committee, to consist of five members, to consider and report thereon; and that the petition be printed for the use of the Senate.

MESSRS. CRAWFORD, LEIB, LLOYD, POPE, and ANDERSON, were appointed the committee.

*Territory of Orleans.*

Mr. GILES, from the committee to whom was referred, on the 8th instant, so much of the Message of the President of the United States as relates to the occupation of that part of West Florida which is included within the boundaries described by the treaty for the acquisition of Louisiana, reported a bill declaring the laws now in force in the Territory of Orleans, to extend to and to have full force and effect to the river Perdido, pursuant to the treaty concluded at Paris on the 30th day of April, 1803, and for other purposes; and the bill was read, and passed to the second reading.

WEDNESDAY, December 19.

CHRISTOPHER GRANT CHAMPLIN, from the State of Rhode Island, took his seat in the Senate.



DECEMBER, 1810.]

*Occupation of West Florida.*

[SENATE.]

THURSDAY, December 27.

JENKIN WHITESIDE, from the State of Tennessee, took his seat in the Senate.

*Occupation of West Florida.*

The Senate resumed the consideration of the bill declaring the laws now in force in the Territory of Orleans, to extend to, and to have full force and effect, to the river Perdido, pursuant to the treaty concluded at Paris on the 30th of April, 1803; and for other purposes.

The question was on the bill's passage to a third reading.

MR. POPE.—Mr. President, I regret that the honorable chairman of the committee who reported this bill is not here to give it that support which his talents, information, and the importance of the subject authorize us to expect. His absence has devolved on me, as a member of the committee, and a representative of that section of the Union more immediately interested in the subject before us, to explain to the Senate some of the grounds which induced them to make this report. The first important question which the proclamation of the President and this bill presents for consideration is, whether or not the United States have a good title to the territory in question. Before I examine the treaty of cession from France to the United States, of 1803, the source of our claim, permit me to inquire what were the limits of Louisiana in that quarter to which this subject leads us before the treaty and cession of 1762-3, between France, Spain, and Great Britain? On this subject, however, I believe there is no contrariety of opinion. Before this period, Louisiana extended east of the river Mississippi to the river Perdido. France and Spain, by the Treaty of 1719, established this boundary between Florida, now called East Florida, and Louisiana. The ancient limits of Louisiana have been so fully ascertained by the documents laid before Congress at different times, and the numerous discussions the subject has undergone, that I should only waste the time of the Senate in attempting to throw any new light on it. I shall only refer the Senate to one additional evidence that this river was the ancient eastern boundary of this province. Mr. Smollet, in his continuation of "Hume's History of England," states the answer of the British Government to the propositions made by France for peace early in the year 1761, from which it appears that France then claimed the river Perdido as their eastern limit, nor does this fact appear to have been contested by the British Minister. It appears that previous to the war which terminated in 1763, Louisiana comprehended nearly the whole country watered by the Mississippi and its branches. I find it stated in a pamphlet published in New York, that France, by a secret cession, contemporaneous with the treaty called the Family Compact of 1761, transferred this country to Spain, to induce her to become her ally in the war against Great Britain; and although I can find no evidence to support this

statement, yet the events of that war, previous to that period, renders it at least probable. It will be remembered that the arms of Great Britain had triumphed over those of France, both by sea and land. France had lost Canada, and a great number of ships of war. Spain was not then a party in the war, and, to induce her to become so, it seems probable that France, under the pressure of adverse fortune, ceded to her this province. But, as this statement does not correspond with the documents on our tables, nor the views of others who have examined this subject, we are compelled to take it for granted, that the cession of West Louisiana, with the island of New Orleans, to Spain, and of East Louisiana, since called West Florida, to Great Britain, were made at the same time, in the year 1762. It is, however, well known that France made the cession to Great Britain at the instance, and for the benefit of Spain, to enable her, with the cession of Florida, now called East Florida, to obtain a restitution of Cuba. The whole of Louisiana, not conquered by Great Britain, may, with propriety, be said to have been given up, or ceded to Spain. Let us now examine that part of the treaty of cession between the United States and France of 1803, which relates to this question. By that treaty we acquired Louisiana as fully, and in the same manner, as it had been acquired by France from Spain, in virtue of the Treaty of St. Ildefonso of the 1st of October, 1800. By this treaty, Spain retroceded Louisiana to France, "with the same extent it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." That this extract from that treaty is correct, cannot be doubted, as it has never been denied by Spain. The word "retrocede" in this treaty has, I believe, occasioned more doubt with regard to the meaning of this cession than any expression contained in it, but cannot, when the subject is properly examined, have the effect contended for. It is said that as France ceded to Spain, in 1762, Louisiana west of the Mississippi, including the island of New Orleans, the word "retrocede" must limit the cession to what had been previously ceded by France to Spain; but if it be true that Louisiana east and west of the Mississippi was ceded to Spain in the year 1761, although East Louisiana was afterwards ceded by France, with the consent of Spain, to Great Britain, the word "retrocede" might, with propriety, be used with reference to the original grant to Spain in 1661, or if, what will not be denied, the cession of East Louisiana to Great Britain by France, was at the instance, and for the benefit of Spain, Spain, in 1800, after she had acquired East Louisiana, alias West Florida, so called by Great Britain after 1763, could well say to France, I re-grant to you what you ceded to me, and on my account, or at least, so much as I can re-grant consistently with the treaties I have since made; and this seems to be the

plain and evident meaning of the instrument. If the parties had meant to confine the retrocession to the limits of the cession, made by France to Spain, of Louisiana west of the Mississippi, including the island of New Orleans, they would have used the same deception. They would certainly have stopped after saying the extent it then had in the hands of Spain. But to prevent mistake or misconstruction, they add, "that it had when France possessed it," and, what is still more conclusive of the meaning of the parties, they go on to say, "and such as it should be after the treaties subsequently entered into between Spain and other States." As Spain had never entered into any treaty with regard to the western boundary of Louisiana, and as the only treaties to which the parties could have alluded was that of 1788 with Great Britain, and of 1795 with the United States, both relative to limits on the east side of the Mississippi, it is perfectly clear that the contracting parties meant to comprehend whatever of Louisiana, on the east side of the Mississippi, Spain had a title to. If the construction I contend for is not admitted, then the latter parts of the description will have no effect, contrary to a settled principle of law and common sense, that every part of an instrument shall have effect, if it can by any reasonable construction. To strengthen the construction for which I insist, it may not be amiss to consider the views of the French Government at the time this treaty of St. Ildefonso was made. They no doubt acquired this province with an intention of holding it, and it was an object of national pride to regain as much as practicable of the colonies which had been lost under the old Government. Besides, they could not be ignorant of the importance of East Louisiana, now West Florida, to the security of New Orleans; and, as the practicability of obtaining it at that time from Spain cannot be doubted, the presumption is irresistible that the cession was intended to embrace it. I had intended to have ascertained at the Department of State the ground of objection with Spain to the surrender of that country to the United States, but have not made the inquiry. I do not, however, think it difficult to account for the conduct of Spain. My conjecture is, that France, after she had sold Louisiana to the United States, and received the price stipulated, secretly advised Spain not to surrender it, having at that time formed the project which she is now attempting to execute, of acquiring the whole Spanish Empire. Her interest was, therefore, identified with that of Spain, and she was, no doubt, willing to unite with Spain in giving the most limited construction to the cession to the United States. I find that Congress, by an act passed on the 24th of February, 1804, have solemnly asserted our right to this territory, and authorized the President to take possession of it and to establish a port of entry, &c., on the Mobile, whenever he should deem it expedient. The time when, and circumstances under which,

this step should be taken, were submitted to the discretion of the Executive. I may be permitted to ask why, if we had no title to this territory, the President was urged to take possession by force, and censured for not doing it? If my recollection is accurate, all parties agreed we ought to have the country—they only differed as to the mode of acquiring it. The President, influenced by that policy which has hitherto guided the present Administration, of avoiding making this nation a party in the present European war, in the exercise of the discretionary power vested in him by that act, did not think proper to seize upon it by force, but to wait for the occurrence of events to throw it into our hands without a struggle.

The expediency of taking possession of this territory cannot, it appears to me, admit of a doubt. If the President had refused or hesitated to meet the wishes of the people of West Florida by extending to them the protection of the American Government, and they had sought security in the arms of a foreign power, what should we have heard? He would have been charged with imbecility, and fear of incurring responsibility. He would have been denounced as unworthy of the station his country had assigned him. Let it be remembered that the Orleans country is our most valuable part—remote from our physical force—a climate more fatal to our people than the sword of a victorious enemy—and that an enemy in possession of West Florida can with great facility cut off New Orleans from the upper country. If the fortunate moment had not been seized, this province would have fallen into the hands of a foreign power, or, if time had been given for intrigue to mature itself, another Burr plot would probably have risen from the ashes of the first, more formidable to the integrity of this empire. Burr, like Archimedes, fancied that if he had a place to stand upon—a place beyond the jurisdiction of the United States to rally his followers—he could overturn the Government. He has, it is true, fled from the frowns of an indignant country; but he was not alone. Let an opportunity be afforded, and a thousand Burrs would throw off the mask and point their arms against the Federal Union. On a subject of such interest, it would have been criminal in those appointed to watch over the national safety to have hesitated. I was surprised to hear this procedure pronounced a robbery, and making of war. Why should our sympathies be awakened in favor of Spain? What claim has the Spanish Government upon our moderation and forbearance? What has been her conduct? From the moment we became an independent nation she has been intriguing to separate the Western country from the Atlantic States. She has made, at different periods, and as late as the year 1797, in violation of her treaty of 1795 with this country, direct propositions to the Western people to secede from the Union, and to accomplish her object, at least attempted the use of means the

DECEMBER, 1810.]

*Occupation of West Florida.*

[SENATE.]

most corrupt. What has been her conduct since we acquired Louisiana? If I am correctly informed, our deserters and slaves who have taken refuge in Florida, in many instances have not been surrendered, and enormous duties have been imposed on our vessels navigating the Mobile. Under all these provocations, sufficient to have drawn upon them from almost any other nation an open declaration of war, our Government, influenced by that pacific policy which has hitherto regulated its course towards foreign nations, exercised patience and forbearance. And since the late revolution in Spain, I believe it will not be pretended that this Government has manifested any disposition to throw our weight into the scale of France against the Spanish party. Our Government has taken no step in relation to West Florida, until compelled by a regard to our own safety. The Executive in the proceeding under consideration has used language the most conciliatory, and on the face of his proclamation given a pledge that this Government will at any time enter into amicable negotiations on the subject of our claim to this territory, if it shall be disputed.

There are other at least plausible grounds upon which this bill as an original proposition might be supported entirely independent of the cession. Spain is indebted to us a large amount for spoiliations committed on our commerce; and as there is no Government at present towards which the ordinary proceeding can be pursued to obtain payment, could we not, on the principle of the attachment law, as an act of self-justice, seize on this territory to secure satisfaction?

As this measure has been emphatically called an act of robbery and war, it may not be amiss to consider the political state of the Spanish colonies in relation to the Spanish Government in the hands of the Junta, and the new dynasty about to be established by Bonaparte. It may be said, perhaps, that the late alienation of the Spanish Crown and the revolution in Spain have dissolved the tie which connects them with the mother country. On this point I will not detain the Senate. If the French arms shall be successful in Spain, of which I believe few entertain much doubt, and the Junta shall be driven from Old Spain to any of the colonies, their political character must cease, and they can no longer claim the exercise of any jurisdiction or sovereignty over the colonies. The colonies are not bound together by any political bond unconnected with the mother country; they are subject to the mother country, but the moment she is conquered, they are at liberty to provide for themselves, unless, indeed, the Emperor of France or King Joseph can claim them. France, in an official exposé, and King Joseph, by proclamation, have declared their willingness that the colonies should become independent, provided they did not connect themselves with Great Britain. If France, therefore, shall, which is probable, conquer the mother country, we are fully authorized by her

public declaration to the world to acquire, with the consent of the inhabitants, not only West but East Florida, Cuba, or any other province which we shall deem it expedient to connect with the United States. This bill may be justified, independent of title, by the law of self-preservation. Have we any assurance that the Spanish Government will maintain their neutrality in this territory if we should be involved in a war with either France or Great Britain? Can they, or will they, prevent the march of an enemy's forces through that territory into the United States? No, sir; we have every reason to expect the contrary. Considering how vulnerable we are from this territory, its present state, and the aspect of our foreign affairs, it appears to me we are authorized to take possession of it as a measure of national security. It may be objected that taking the property of others by force tends to relax the morals of the people, by destroying that criterion of right and wrong, the observance of which is so necessary to the purity of our Republic; and I am ready to admit that we ought to proceed upon this principle of necessity and expediency with great caution, and never to act upon it but in extreme and evident cases. Had we a colony on the coast of England or France, similarly situated, we know they would not hesitate. When we reflect that our property is seized by almost every nation; that the laws and usages of nations are disregarded by nearly all Europe; that their conduct has been lately marked with a degree of perfidy and rapacity unexampled in the history of the civilized world; that they have in fact become States of Barbary; it appears to me that we ought not, as regards them, to be over nice or squeamish upon questions of this sort. Shall we sit here with our arms folded until the enemy is at our gates? If we waste our time in discussion and refining abstract questions of right and wrong, we shall lose our independence, and we shall deserve to lose it. I had hoped this bill would have passed without much debate; I know the people are tired of long speeches and documents. This fondness for lengthy discussions, has even drawn upon Congress the reproaches of the ladies; they begin to say—less talk and more action.

FRIDAY, December 28.

*Occupation of West Florida.*

The Senate resumed the consideration of the bill respecting the territory west of the Perdido.

Mr. HORSBY addressed the Senate as follows:

Mr. President: The bill under consideration contains two important provisions. The first in effect incorporates with the Territory of Orleans the province of West Florida east of the Mississippi, as far as the river Perdido; the second extends to that part of the province thus incorporated the laws now in force within the said Territory.

These provisions naturally involve two ques-

tions: first, whether the United States have a good title to that part of the province described in the bill; and secondly, whether it would be expedient for the Government of the United States to take possession of it by force.

Before I proceed to consider these questions, I beg leave, Mr. President, to advert to what may be considered a preliminary question. I refer to the authority of the President of the United States to issue his proclamation and the accompanying orders of the 27th of August last, directing the forcible occupation of that territory. I deem it material to consider this point, because, if the proclamation were unauthorized, then Congress are not committed by it, nor are they bound to give it their sanction.

If the President had any authority to issue this proclamation, that authority must have been derived either under the Constitution of the United States or under some act or acts of Congress. The President has no power which does not proceed from one or the other of these sources. The constitution has given to Congress the exclusive power of making laws and declaring war—to the President the power of executing the laws of the Union. The powers of the one are legislative, of the other executive. The question then would be, whether the President in issuing this proclamation has not transgressed the limits of his powers.

Sir, what is the nature and import of this proclamation? In my humble conception both legislation and war. War—because it directs the occupation of this territory by a military force. The regular troops of the United States are ordered to march, and if they should not be found adequate to the object, the Governors of the Orleans and Mississippi Territories are directed to call out the militia of their respective territories, to co-operate with the regular forces. But we shall be told, sir, that the President, in issuing this proclamation, has taken the precaution to direct that in case any particular place, however small, should remain in possession of a Spanish force, the commanding officer is not to proceed to employ force against it, but to make immediate report thereof to the Secretary of State. Suppose while your commanding officer is making this report, the Spanish force sallies out and makes an attack upon your army, or suppose a Spanish army, with Governor Folch at their head, should march from East Florida with the view of repelling the invasion of this territory; what are Governor Claiborne and his army to do? Ground their arms and surrender themselves prisoners of war; or are they, sir, to drop their muskets and take to their heels? These are the only alternatives presented—they must either surrender, run, or fight. And who will doubt which of these alternatives the gallantry of an American army would impel them to choose? Sir, a conflict would be inevitable.

But while the President has been so affectually cautious with respect to Spanish force, he

has overlooked altogether the contingency of resistance on the part of the revolutionists. These patriots it would seem had called a convention and issued a declaration of independence, and now it appears have formed and established a regular Government, which is organized and in operation. If these proceedings are not all a sham, the territory in question is now in the possession of a people claiming to be sovereign and independent; and is it supposable that this people can behave so dastardly as to submit, without a struggle, to the incursion of a hostile army, whose avowed object is the conquest of the country and the subversion of its constitution and independence? And here permit me to remark, that the style and tenor of the letter from the Secretary of State of the 15th of November, 1810, to Governor Holmes, in answer to the letter of the President of the convention praying the recognition and protection of the United States, are not admirably calculated to give a welcome reception to the American Army. If then assistance should be offered on the part of the constitutionalists, what is your army to do? The orders contain no proviso in this particular, requiring that the fact should be reported to the Department of State; but their clear intent is, that force should be employed. Under such circumstances it is not to be expected that this measure of the Executive will result in war? Is it not to be expected, that either the Spaniards or the Conventionalists will attempt to repel this palpable infringement upon their rights and territory?

But, sir, this proclamation is not only war, but it is an act of legislation too. It annexes the territory in question to the Orleans Territory; it creates a Governor; it enacts laws, and appropriates money. It gives the Governor of the Orleans Territory all the authorities and functions over this particular territory which he possesses by virtue of his office as governor, and makes an appropriation of a sum of money, not exceeding twenty thousand dollars. This proclamation is substantially the bill under discussion, except that it goes much further. The first section of the bill only contains an annexation of the territory in question to the Orleans Territory—this the proclamation has already done. The second section only extends the laws of that territory to the particular territory in question—and this too the proclamation has already done. The only material difference in fact existing between the proclamation and this bill is, that the proclamation contains the further and important provision for raising the troops and the money necessary for carrying it into execution. And here, sir, I will take the liberty to remark that I do not consider this bill the only one intended on this subject. This is a mere entering wedge—when this is passed, Congress are permitted to pass another, providing the necessary military and pecuniary means to carry this act into execution; and, indeed, I should not be surprised, if, before the close of

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the session, a bill were introduced to take possession of East as well as West Florida.

If the President had no power under the constitution to issue this proclamation, I think it equally clear he had none under any existing laws of Congress. The act of the 31st of October, 1803, authorizing the President of the United States to take possession of and occupy the territory ceded by France to the United States, by the treaty concluded at Paris on the 30th of April, 1803, I apprehend, expired on the 1st day of October, 1804; to which period it was limited by the first section of the act for erecting Louisiana into two Territories, and providing for the temporary government thereof, passed the 30th day of March, 1804.

This section enacts, that "the act passed the 31st day of October, entitled 'An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the 30th day of April, 1803; and for the temporary government thereof,' shall continue in force until the 1st day of October, 1804, any thing therein to the contrary notwithstanding; on which said 1st day of October, this act shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress, which may happen thereafter." Let it be recollected that at the time this last-mentioned act passed, the President had fulfilled his powers, under the act of the 31st of October, 1803, so far as it respected the taking possession of Louisiana. Possession had been actually and formally delivered, and the stock created and transferred to the French Government, according to the stipulations of the treaty. Besides, the very nature and design of the act of the 26th March, independent of the express limitation, superseded the act of the 31st of October.

But it is said, there are acts of Congress which, though contemplating a present possession in a foreign authority, also contemplate an ultimate possession by the United States, under which the proclamation may be justified, even though the act of the 31st of October should have expired. The acts here referred to, I understand to be the act of the 24th of February, 1804, for laying and collecting duties within the territories ceded by France to the United States, the act above mentioned of the 26th of March, erecting Louisiana into two Territories, and the act of the 2d of March, 1805, authorizing the establishment of a Government in the Territory of Orleans, similar to the Government of the Mississippi Territory. The President himself admits, in his message at the opening of the session, that those laws contemplate a *present possession in a foreign Power*; but he further says, they contemplate an eventual possession by the United States. But, sir, let me ask what sort of possession? A possession *by force*? No, sir, not a single provision can be shown to justify such a construction. But a possession to be obtained *by a friendly negotiation*. I am

warranted in this construction, not merely by the letter of those laws, by the lapse of time since their enactment, by the express official declaration of Mr. Madison himself, while Secretary of State. It is a notorious fact, that when the act of the 24th of February passed, the Marquis D'Yrujo, then the Minister of his Catholic Majesty in the United States, in a solemn form protested against that law; and that Mr. Madison, by a letter dated on the 19th of March, assured the Marquis that the provisions relating to Louisiana "would not be extended beyond the *acknowledged limits* of the United States, until it shall be rendered expedient by *friendly elucidation and adjustments* with His Catholic Majesty."

Upon the whole, sir, I have not been able to discover the shadow of authority, on the ground of which the President issued this proclamation. He has recited none, amidst all his recitals, and none appears to me but his own mere will and pleasure.

The act I therefore cannot view in any other light than an unwarrantable assumption of power and a violation of the constitution.

Considering then, sir, this act of the Executive as illegal and unauthorized, we are fully at liberty to enter into the discussion of the great questions of title and expediency; a task which I will proceed to discharge to the best of my ability.

The first I propose to examine is, the title of the United States to the territory in question. With respect to this, I perceive, it unfortunately happens that honorable gentlemen who support the bill do not precisely accord in sentiment. The gentleman from Vermont (Mr. BRADLEY) has frankly conceded that the United States acquired no title under the Treaty of St. Ildefonso. Another gentleman (Mr. SMITH, of Maryland) has declared that the United States did derive a title under that treaty, and disclaims the title set up by the honorable gentleman from Vermont. I shall not undertake to decide which of the two gentlemen is right, if either be, but shall contend, and humbly expect to prove, that both are wrong.

What is the nature of the title set up by the gentleman from Vermont? Not under the treaty, he has candidly owned, but he supposes a title to exist on the ground of certain quaint principles of the common law, relative to the doctrines of estoppel and occupancy. I am extremely happy, sir, to find that honorable gentleman introducing the common law as authority upon this floor, especially on so great an occasion. His doctrines certainly evince both research and ingenuity, and show that he, like many with whom he acts, has not absolutely lost his veneration for the black letter. What are his doctrines? Why in the first place, he says, admitting that Spain did not cede Florida to France by the Treaty of St. Ildefonso, and admitting that France had no title to Florida on the 30th of April, 1803, when she ceded Louisiana to the United States, yet, as France

has since acquired a title to the crown of Spain and her colonies, and as the French Plenipotentiary, when the treaty of 30th of April, 1808, was executed, did state and induce the American Ministers to understand and believe that Florida was comprehended in the cession, why the title, though France had it not when the treaty was signed, yet having it subsequently, immediately attached in the United States, and France is estopped from saying any thing to the contrary. This argument, sir, begs every thing: 1st. That the declarations on the part of the French Minister were made; 2dly, that being made they would operate to pass the title contrary to the express letter of the treaty; and lastly, that France has acquired a good title to the crown of Spain and her colonies. I will yield to the gentleman his first proposition, and grant, as he seems to desire it, that these representations were made—and what do they prove? Not that the title passed, but that the French Minister was too deep for the American Plenipotentiaries, and, to use a jockey phrase, took them in. Sir, the only legal effect of such a fraud would be, to violate the treaty—to annul the contract. France, to be sure, would be bound upon principles of equity to refund the purchase money.

If then, sir, I am correct in stating, that no conversations or verbal declarations, however fraudulent, would operate to control or vary the plain letter and intent of the treaty, as appearing on the face of it, then upon the gentleman's own acknowledgments no title to Florida could have passed to the United States under the treaty of 1808. For the gentleman has unequivocally admitted that Florida was not ceded by Spain to France by the Treaty of St. Ildefonso, and France, it is admitted on all sides, by the treaty of 1808, only ceded to the United States Louisiana, as fully, and in the same manner she acquired it from Spain by the Treaty of St. Ildefonso; nor, sir, can I admit that France has acquired a legitimate title to the crown and colonies of Spain, which must also appear before the gentleman can avail himself of his argument. What, Mr. President, is the nature of this title? Was it obtained *bona fide* for a fair and full consideration. No, sir, but by the most abominable perfidy, corruption and duress, of which the pages of history furnish an example. Was not the royal family decoyed by artifice from Madrid to Bayonne? Was not the old Monarch compelled to resign his crown to Ferdinand the Seventh, and was not that Prince a prisoner of Bonaparte; and, while in this condition, and, for aught we know, the bayonet at his breast, or the cup to his lips, constrained to resign his crown to the Emperor of France? Sir, what sort of title is this? Upon the eternal principles of justice, upon the principles of the common law and common sense, an instrument thus obtained is not obligatory on the party executing it.

But have the people of Spain acquiesced? No, sir; the instant publicity was given to the trans-

action they became indignant, and with one voice rose, resolved to resist this usurpation. To this hour they have not submitted.

But the gentleman has said that Spain is no longer able to hold Florida; that foreign emissaries will take it if the United States do not, and that it may be lawfully taken by the United States on the ground of the law of occupancy.

That title may be acquired by occupancy is not to be doubted. It is the mode by which title to property was originally acquired; but to obtain a title in this way the country must be vacant, uninhabited and not claimed by another proprietor. But in this instance is the territory vacant—or uninhabited—or abandoned by its proprietors? No, sir. The territory is either in the possession of Spain and claimed by her, or of the revolutionists, and if either be in possession, by the law of occupancy, you have no right to disturb them. Clearly then, sir, upon the principles and admissions of the honorable gentleman from Vermont, the United States have no title to Florida.

And now, sir, with the indulgence of the Senate, I will proceed to consider as briefly as possible the nature of this title as derived under the Treaty of St. Ildefonso. Here, it will be granted, I meet the question fairly. This, I presume, is the title relied upon, as well by the Executive as the majority of the supporters of this bill.

In order fully to understand this subject, it is necessary to inquire into the principal cause of the war of 1756. The eastern boundary of Louisiana, I believe, was the chief cause of that war. The French were in the possession of the Mississippi, and claimed as part of Louisiana not only the country to the west of that river, but east as far as the Alleghany mountains. France, having this claim, and being in possession of Canada, conceived the project of uniting Louisiana with Canada. To accomplish her purpose she established a line of posts from the Lakes to the Ohio, and commenced encroachments upon the then British colonies. These encroachments she was pressing so far that Great Britain perceived it would be necessary to repel them. This brought on the war of '56, which, after a bloody conflict of seven years, terminated disastrously to France and her allies, and resulted in the establishment of the Mississippi, the Iberville, and the lakes Maurepas and Pontchartrain, as the boundary of Louisiana, giving to Great Britain all the territory on the east of that boundary, except the island and town of New Orleans, and to France all upon the west, including the island and town of New Orleans.

A more particular examination of the results of this war is important. By it France lost Canada and most of her West India islands. Spain, the ally of France, lost Cuba. By the preliminary articles of peace between Great Britain, France, and Spain, signed at Fontainebleau, and dated the 8d November, 1762, France renounced all pretensions to Nova Scotia, and ceded and guarantied to his Britannic Majesty,

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in full right, Canada with all its dependencies. The 6th article stipulates, "In order to re-establish peace on the most solid and lasting foundations and to remove every subject of dispute with regard to the limits of the British and French Territories on the continent of North America, it is agreed that for the future the confines between the dominions of His Britannic Majesty and those of his most Christian Majesty, (French King,) in that part of the world, shall be irrevocably fixed by a line drawn along the middle of the river Mississippi from its source, as far as the river Iberville, and from thence by a line drawn along the middle of this river, and of the lakes Maurepas and Pontchartrain to the sea; and to this purpose, the most Christian King cedes in full right, and guaranties to His Britannic Majesty, the river and port of Mobile, (now West Florida,) and every thing that he possesses, or ought to have possessed on the left (east) side of the river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France." By the 18th article, Great Britain restores to Spain all that she had conquered in the island of Cuba, with the fortress of Havana. In consequence of which His Catholic Majesty (King of Spain) by the 19th article "cedes and guaranties in full right, to His Britannic Majesty, all that Spain possesses on the continent of North America, to the east or the south-east of the Mississippi, including Florida, with Fort St. Augustine and the bay of Pensacola." (Now consisting of East and a part of West Florida.) By the definitive treaty of peace and friendship between the Kings of Great Britain, France, and Spain, concluded at Paris on the 10th day of February, 1763, the preliminary articles were adopted, ratified, and confirmed. By another treaty bearing date the 8d day of November, 1762, the same day and year the preliminary articles are dated, as appears by the letter to M. L'Abbadie, which I will presently refer to, France cedes Louisiana to Spain, together with the town and island of New Orleans. This last-mentioned treaty has never been published, but the letter of the King of France to M. L'Abbadie recites the purport as well as date of it. This letter purports to be an order signed by the King of France, dated at Versailles, the 21st April, 1764, and directed to M. L'Abbadie, director-general, and commandant for His Majesty in Louisiana. This letter was published at New Orleans in October, 1764, and circulated amongst the French inhabitants there. It recites:

"By a special act, done at Fontainebleau, November 3, 1762, of my own will and mere motion, having ceded to my very dear and best beloved cousin the King of Spain, and to his successors, in full property, purely and simply, and without any exceptions, the whole country known by the name of Louisiana, together with New Orleans, and the island in which the said city is situated; and by another act done at the Escorial, November 13, in the same year, His Catholic Majesty having accepted the cession of the

said country of Louisiana, and the city and island of New Orleans, agreeably to the copies of the said acts, which you will find hereunto annexed; I write you this letter to inform you, that my intention is, that on the receipt of these presents, whether they come to your hands by the officers of His Catholic Majesty or directly by such French vessels as may be charged with the same, you are to deliver up to the governor, or officer appointed for that purpose by the King of Spain, the said country and colony of Louisiana, and the posts thereon depending, likewise the city and island of New Orleans, in such state and condition as they shall be found to be in on the day of the said cession, willing that in all time to come they shall belong to His Catholic Majesty, to be governed and administered by his governors and officers, and as possessed by him in full property, without any exceptions."

From this document, and the treaties referred to, it appears that in the month of October, 1764, when the whole of Louisiana, with the island and town of New Orleans, was delivered to Spain, that Great Britain was in the peaceable possession of all the country on the east of the Mississippi. That with respect to Florida particularly, Great Britain was in possession, and nobody dreamed at that time, that Florida either East or West, was any part of Louisiana. Had it been so considered under the orders of the French King, to deliver the *whole* of the province to Spain, undoubtedly Florida would have been delivered.

Immediately after the cession of '62-3, Great Britain took possession of all the country on the east of the Mississippi, except only the town and island of New Orleans, and, in the year 1763 or '4, erected Old Florida, Pensacola, the river and port of Mobile, &c., into two distinct provinces, under the name of East and West Florida, names which they have borne ever since. In 1783, at the close of our Revolutionary war, Great Britain ceded to Spain East and West Florida, which, from that period to the present time, have been held by Spain under these names, as separate provinces from Louisiana. In the year 1800, when Spain was in possession of East and West Florida and Louisiana, as three several and distinct provinces, the famous Treaty of St. Ildefonso was concluded, whereby Spain "retroceded to France the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other States." This treaty likewise has not been published, but the part just referred to is cited in the treaty between the United States and France of the 30th of April, 1803, whereby France cedes to the United States Louisiana, as fully and in the same manner as she acquired it of Spain by the Treaty of St. Ildefonso. Spain delivered possession in pursuance of the Treaty of St. Ildefonso to France, and France, in pursuance of the treaty of 1803, delivered possession to the United States, both powers receiving the country on the West of the Mississippi, with the

island and city of New Orleans, like Spain originally received it from France, as the whole of Louisiana.

I have now, I believe, sir, given a full and I trust fair and correct statement of the evidences and facts relative to the question of title. A few remarks will close what I have to say on this head. The letter from the King of France to M. L'Abbadie, is a very important document. It shows that the King of France, under whom we claim, and by whose admissions we are bound, so long ago as 1764, treated and considered the country on the west of the Mississippi as the whole of Louisiana. That, so considering it, he ceded and delivered it to Spain, together with the island and town of New Orleans, from which latter words it may be inferred that even the island and town of New Orleans were then not considered a part of Louisiana. In 1800, when Spain ceded back the colony of Louisiana to France, that country was only known on the west of the Mississippi. The war '56, and the treaties of '62-8, had fixed the line and obliterated forever the name of Louisiana on the east of that river.

The Treaty of St. Ildefonso, of 1800, is a mere treaty of *retrocession*. The translation purports to be a treaty of cession, it is true, but acknowledged on all sides to be erroneous. The original treaty was in the French language, and it is by that we are to be governed. The expression in the original is "Sa Majesté Catholique promet et s'engage, de son cote, à *retroceder* à la Republique Française," &c. A *retroceder* signifying to retrocede, to restore, or to use a term familiar in the State I have the honor to represent, *reconvey* the colony of Louisiana to France, as it was when France conveyed it to Spain. The honorable gentleman from Kentucky, (Mr. POPP,) pressed by this argument, could only get round it by alleging that the original treaty between France and Spain was dated in 1761, prior to the settlement of the line and the cessions to Great Britain. But, unfortunately, he could not produce one title of authentic evidence to establish his position, a position absolutely negatived by the official letter to M. L'Abbadie. But that gentleman has further told us, that from the words "with the same extent it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between other States," an intention may be raised to include Florida. I fully subscribe to the gentleman's rule, that we must give such a construction to the treaty, and particularly to the passage just referred to, as will give effect, if possible, to all the parts; and this I apprehend may be done without having recourse to the forced construction contended for. In the first place, the two first members of the passage may be reconciled and have effect by considering them as a two-fold description of the same territory. From abundant caution it is not uncommon to give various descriptions of the same object. Sometimes

the name is simply used, sometimes it is described by metes and bounds, and sometimes by the names of the adjacent countries. Sometimes a twofold, and sometimes a threefold description is given. And upon a critical examination, I think it will be found that this is the only true construction the instrument will bear. If you give it the construction the gentleman contends for, to wit: that the second member of the passage is an extension of the description given by the first, then the second includes the first, and of consequence the first would be nugatory and superfluous; which would be doing violence to the gentleman's own rule of construction. But if the gentleman will insist on giving to the second member an enlarged or extended sense, it may be done by applying it to the western boundaries of Louisiana. It is said that when France ceded Louisiana to Spain, in '62, the country extended on the west to the river Sabine, and that Spain, prior to the treaty of 1806, detached from Louisiana the territory south of the waters emptying into the Red River, and erected it into a new province under the name of the "Province of Texas." Sir, the operations on the Sabine are memorable. It is well known how mysteriously they were suspended by an arrangement in 1806, by which it was agreed that the Spaniards should not cross the Sabine, and that the Americans should not extend their settlements as far as that river. And for this purpose, to prevent collisions, until the difference should be settled, instructions were given that no surveys should be made west of a meridian passing by Nachitoches.

If the gentleman is not satisfied by travelling to the west, by going to the east he may find an application—the town and island of New Orleans, which, though named in the cession to Spain, are not named in the treaty of retrocession to France.

As to the third member of the passage, it is a formal provision introduced into most treaties, and would be understood if not expressed. Of course the cession would be subject to prior treaties with other States. In 1796, Spain concluded a treaty with the United States, whereby she agrees that the navigation of the Mississippi, in its whole breadth from its source to the ocean, shall be free to the citizens of the United States, and that they shall have the right to deposit their merchandise and effects in the port of New Orleans, free of duty for three years, and after that period, if the privilege is not extended at the port of New Orleans, she is to assign to the United States, on another part of the banks of the Mississippi, an equivalent establishment. To these provisions the clause in question I apprehend refers.

The holding or possession of Louisiana is correspondent with the construction I have given the treaty. When possession was originally delivered by France to Spain, Florida was not delivered or considered any part of the cession. When Louisiana, under the Treaty of St. Ildefonso was restored to France, Florida



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was not delivered. When Louisiana, under the treaty of 1808, was delivered to the United States, Florida was not comprehended. Indeed the Government of the United States then treated the country on the west of the Mississippi, including the town and island of New Orleans, as the whole of Louisiana, by receiving it and paying the purchase money, which by the terms of the treaty they were not bound to do, and which by the act of Congress creating the Louisiana stock they were not authorized to do, till after full and entire possession had been delivered.

Mr. President, is it conceivable that after the boundary in question had been established by the most solemn compact of nations, and consecrated by a long and bloody war, and, too, by a lapse of near forty years—is it conceivable that the territory in question, excluded by that boundary, and raised into a distinct province under a distinct name—a name it ever bore after the establishment of the boundary—is it, I say, sir, conceivable, if the parties meant to have included this province in the Treaty of St. Ildefonso, that it should not have been specifically named?

Mr. CLAY.—Mr. President, it would have gratified me if some other gentleman had undertaken to reply to the ingenious argument which you have just heard. But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwell, to claim your indulgence while I offer my sentiments on this subject, so interesting to the Union at large, but particularly to the western section of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which, in a question of territorial title between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the Senate of the United States.

It was to have been expected, that in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various arguments. And hence the honorable gentleman from Vermont entertains doubts with regard to our title against Spain, while he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the Treaty of St. Ildefonso between Spain and France, and the treaty between the French Republic and the United States, I shall not inquire into the treachery by which the King of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no com-

miseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido (which, to avoid circumlocution, I will call West Florida, although it is not the whole of it)—and the propriety of the recent measures taken for the occupation of it. Our title depends, first, upon the limits of the province or colony of Louisiana, and secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it is proper to take a cursory view of the settlement of the country; the basis of European title to colonies in America being prior discovery or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi and named the country which it waters, Louisiana. About 1698, D'Iberville discovered by sea the mouth of the Mississippi, established a colony at the Isle Dauphine or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed, by France, governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville. About the same period Baloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of the Government of Louisiana was established there. In 1736, the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of the nation can furnish. I mean the patent granted in 1712, by Louis XIV. to Crozat. [Here Mr. C. read such parts of the patent as were applicable to the subject.] According to this document, in describing the province or colony of Louisiana, it is declared to be bounded by Carolina on the east and Old and New Mexico on the west. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France at least, unless she has by some convention or other obligatory act, restricted the eastern limit of the province. It has, indeed, been asserted that by the treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the east and Louisiana on the west; but as I have been unable to find any such treaty, I am induced to doubt its existence.

About the same period, to wit, towards the seventeenth century, when France settled the isle Dauphine and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements or conquests further west than the bay of Pensacola, whilst those of the French were bounded on the east by the Mobile. Between those two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name, discharges itself into the Gulf of Mexico between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly appears very early to have been adopted as the boundary, by tacit if not express consent. The ancient charts and historians, therefore, of the country so represent it. Dupratz, one of the most accurate historians in point of fact and detail of the time, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of West Florida, prior to her cession of it to England in 1762. The gentlemen on the other side do not indeed strongly controvert, if they do not expressly admit, that Louisiana, as held by France anterior to her cession of it in 1762, reached to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the island of New Orleans being particularly mentioned could not for that reason constitute a part of Louisiana, is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England. From this view of the subject I think it results that the province of Louisiana comprised West Florida, previous to the year 1762.

What is done with it at this epoch? By a secret convention of the 8d of November of that year, France ceded the country lying west of the Mississippi, and the island of New Orleans to Spain; and by a contemporaneous act, the articles preliminary to the definitive Treaty of 1763, she transferred West Florida to England. Thus at the same instant of time she alienated the whole province.

Posterior to this grant, Great Britain, having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the

events of the war, surrendered the country to Spain, who for the *first* time came into the actual possession of West Florida. Well, sir, how does she dispose of it? She re-annexes it to the residue of Louisiana; extends the jurisdiction of that Government to it, and subjects the Governors or commandants of the districts of Baton Rouge, Feliciana, Mobile, and Pensacola, to the authority of the Governor of Louisiana, residing at New Orleans; whereas the Governor of East Florida is placed wholly without his control, and is made amenable directly to the Governor of the Havana. And I have been credibly informed that all the concessions or grants of land, made in West Florida, under the authority of Spain, run in the name of the *government of Louisiana*. You cannot have forgotten that about the period when we took possession of New Orleans, under the Treaty of Cession from France, the whole country rung with the nefarious speculations which were alleged to be practising in that city, with the connivance, if not actual participation of the Spanish authorities, by the procurement of surreptitious grants of land, particularly in the district of Feliciana. West Florida, then, not only as France has held it, but as it was in the hands of Spain, made a part of the province of Louisiana, as much so as the jurisdiction or district of Baton Rouge constituted a part of West Florida.

What, then, is the true construction of the Treaties of St. Ildefonso and of April, 1803, from whence our title is derived? If an ambiguity exist in a grant, the interpretation most favorable to the grantee is to be preferred. It was the duty of the grantor to have expressed himself in plain and intelligible terms. This is the doctrine not of Coke only, (whose dicta I admit have nothing to do with the question,) but of the code of universal law. The doctrine is entitled to augmented force when a clause only of the instrument is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the Treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts, connected with the case, and a candid appeal to the treaties, are alone sufficient to manifest our right. The negotiations of the treaty of 1803 having signed with the same ceremony two copies, one in the English and the other in the French language, it has been contended, that in the English version the term "cede" has been erroneously used instead of "retrocede," which is the expression in the French copy. And it is argued that we are bound by the phraseology of the French copy, because it is declared that the treaty was agreed to in that language. It

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would not be very unfair to inquire if this is not like the common case, in private life, where individuals enter into a contract, of which each party retains a copy, duly executed. In such case neither has the preference. We might as well say to France we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of Mr. Marbois, her negotiator, of our language, we might, with equal propriety, plead ignorance on the part of our negotiators of her language. As this, however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the Treaty of St. Ildefonso, it is declared by Spain in 1800, that she retrocedes to France the colony or province of Louisiana, with the same extent that it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States. This latter member of the description has been sufficiently explained by my colleague.

It is said that since France in 1762 ceded to Spain only Louisiana west of the Mississippi, and the island of New Orleans, the retrocession comprehended no more—that the retrocession *ex vi termini* was commensurate with and limited by the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is in 1800, comprising West Florida, and such as France possessed it, that is in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession, contended for by the other side, is denied. It does not exclude the instrumentality of a third party. It means restoration or reconveyance of the thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored must have come to the restoring party from the party to whom it is retroceded, whether directly or indirectly is wholly immaterial. In its passage it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case: You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument I reconvey or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate or my moiety only? Let me indulge another supposition: that the gentleman from Delaware, after he received from you his moiety, had bestowed a new denomination upon it, and called it West Florida, would that circumstance vary the operation of my act of retrocession to you? The case supposed is in truth the real one between the United States and Spain.

France in 1762 transfers Louisiana west of the Mississippi to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty one years after, that is in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain then held the whole of Louisiana *under* France, and in virtue of the title of France. The whole moved or passed from France to her. When, therefore, in this state of things, she says, in the Treaty of St. Ildefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France, the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France had, and she herself possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire if the proclamation of the President directing the occupation of property, which is thus fairly acquired by solemn treaty, be an unauthorized measure of war and of legislation, as has been contended.

The act of October, 1803, contains two sections, by one of which the President is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the President to establish a provisional government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of Congress. The act, therefore, of March, 1804, declaring that the previous act of October should continue in force until the first of October, 1804, is applicable to the second and not the first section, and was intended to continue the provisional government of the President. By the act of the 24th of February, 1804, for laying duties on goods imported into the ceded territories, the President is empowered, *whenever he deems it expedient*, to erect the bay and river Mobile, &c., into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans Territory is laid off, and its boundaries are so defined as to comprehend West Florida. By other acts the President is authorized to remove by force, under certain circumstances, persons settling or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the treaty, correspondent with that given by the Executive, and they vest in this branch of the Government indisputably a power to take possession of the country, whenever it might be proper in his discretion. The President has not, therefore, violated the constitution, and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forbore to act. It is urged that he has assumed powers belonging to Congress in undertaking to annex the portion of West

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Florida between the Mississippi and the Perdido to the Orleans Territory. But Congress, as has been shown, has already made this annexation the limits of the Orleans Territory, as prescribed by Congress, comprehending the country in question. The President, by his proclamation, has not made law, but has merely declared to the people of West Florida what the law is. This is the office of a proclamation, and it was highly proper that the people of that Territory should be thus notified. By the act of occupying the country, the Government *de facto*, whether of Spain, or the revolutionists, ceased to exist; and the laws of the Orleans Territory, applicable to the country, by operation and force of law, attached to it. But this was a state of things which the people might not know, and every dictate of justice and humanity required, therefore, should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself for the exercise of the discretionary power placed in the President of the United States, and, had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It cannot be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense country belonging to the United States, watered by streams discharging themselves into the Gulf of Mexico—that is, one-third, nay more than two-thirds of the United States, comprehending Louisiana, is placed at the mercy of that power. The possession of Florida is a guarantee absolutely necessary to the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country, to which we are fairly entitled. If the wrongful occupants under the authority of Spain assail our troops, I trust they will retrieve the lost honor of the nation in the case of the Chesapeake. Suppose an attack upon any portion of the American army within the acknowledged limits of the United States by a Spanish force? In such event there would exist but a single honorable and manly course. The gentleman conceives it ungenerous that we should at this moment, when Spain is encompassed and pressed on all sides by the immense power of her enemy, occupy West Florida. Shall we sit by, passive spectators, and witness the interesting transactions in that country—transactions which tend to jeopardize, in the most imminent degree, our rights, without interference? Are you prepared to see a foreign power seize what belongs to us? I have heard in the most credible manner that, about the period when the President took his measures in relation to that country, the agents of a foreign power were intriguing with the people

there to induce them to come under his dominion.

Whether this be the fact or not, it cannot be doubted, that if you neglect the present auspicious moment—if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority in a colony adjacent to us, and there exists in it a state of misrule and disorder, menacing our peace, and if moreover such colony, by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws; we have a right, upon eternal principles of self-preservation, to lay hold of it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it, our title being in my judgment incontestably good.

MONDAY, December 31.

JOHN TAYLOR, appointed a Senator by the Legislature of the State of South Carolina, in place of Thomas Sumter, resigned, produced his credentials which were read; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

WEDNESDAY, January 2, 1811.

ANDREW GREGG, from the State of Pennsylvania, took his seat in the Senate.

MONDAY, January 7.

JAMES A. BAYARD, from the State of Delaware, took his seat in the Senate.

TUESDAY, January 8.

THOMAS WORTHINGTON, appointed a Senator by the Legislature of the State of Ohio, in place of RETURN JONATHAN MEIGS, resigned, produced his credentials, which were read; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MONDAY, January 14.

JAMES TURNER, from the State of North Carolina, took his seat in the Senate.

TUESDAY, January 29.

Mississippi Territory.

Mr. ANDERSON presented the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying that the said Territory may be admitted as a State into the Union, upon the footing of the original States, and the memorial was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. AN-

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DEBSON, BAYARD, and DANA, were appointed the committee.

The memorial is as follows :

*To the honorable the Senate and House of Representatives of the United States in Congress assembled :* The memorial unanimously adopted, of the Legislative Council and House of Representatives of Mississippi Territory, in General Assembly convened, respectfully states, That by the articles of agreement and cession between the United States and the State of Georgia, an act for the amicable settlement of limits with the State of Georgia, &c., and an act supplemental thereto, the Government of the Mississippi Territory was organized and established, and "all and singular the rights, privileges, and advantages, granted to the people of the United States, north-west of the river Ohio, by an ordinance of the 13th day of July, one thousand seven hundred and eighty-seven, were extended to the people of the Mississippi Territory : " And by the said articles of agreement and cession, it is provided "That the Territory thus ceded shall form a State, and be admitted as such into the Union as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient."

Your memorialists state, that although they do not pretend to have the number required by the said articles of agreement and cession, and the ordinance to entitle our Territory as a matter of right into the Union, upon the footing of one of the original States ; yet, we hope that our numbers (as will appear by the census now taken under a law of the United States) are sufficiently respectable to induce your honorable body to admit the Mississippi Territory into the Union, as a matter of expediency.

Your memorialists conceive it unnecessary to detail the many reasons which might be adduced in support of their petition, but think it sufficient to say, that, as the people of this Territory are able to bear the expenses of a State Government with convenience to themselves, and at the same time will relieve the Government of the United States from the cares and expenses incident to the Territorial form of government ; and that whatever views the form of government (under which they have, perhaps, not very patiently lived) for about twelve years, was formed, it is found from experience, to be unfriendly to republicanism ; and is such a one as every American in heart is solicitous to be relieved from. We, therefore, pray your honorable body to pass a law authorizing a convention to be called, for the purpose of forming a constitution and State Government in the Mississippi Territory, to be admitted into the Union upon the footing of the original States.

Your memorialists, from a knowledge of your indulgence to the people of the Territories north-west of the river Ohio, when in a situation similar to their own, are sanguine in their expectations, that your honorable body will grant to them the prayer of their petition.

And they will ever pray, &c.

F. L. CLAIBORNE,

*Speaker of the House.*

ALEX. MONTGOMERY,

*President of Legislative Council.*

Attest: WM. C. WINSTON,

*Clerk House of Reps. M. T.*

WEDNESDAY, January 30.

*Territory of Orleans.*

The Senate took into consideration the amendment proposed yesterday, by Mr. DANA, to the bill, entitled "An act to enable the people of the Territory of New Orleans to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes : " and, on motion, by Mr. CLAY, it was agreed to divide the question ; and, on the question to agree to the first division of the amendment, to wit :

*Provided*, That this act shall not be understood to admit such State into the Union, as aforesaid, unless each of the States shall consent to the same :

It was determined in the negative—yeas 10, nays 18, as follows :

YEAS.—Messrs. Bradley, Champlin, Dana, German, Gilman, Goodrich, Horsey, Lloyd, Pickering, and Reed.

NAYS.—Messrs. Campbell, Clay, Condit, Franklin, Gaillard, Gregg, Lambert, Leib, Mathewson, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Whiteside, and Worthington.

On the question to agree to the second division of the amendment, to wit :

*Provided*, That this act shall not be understood to admit such State into the Union as aforesaid, unless there shall be a constitutional amendment empowering the Congress to admit into the Union new States formed beyond the boundaries of the United States, as known and understood at the time of establishing the Constitution for the United States :

It was determined in the negative—yeas 8, nays 17, as follows :

YEAS.—Messrs. Champlin, Dana, German, Gilman, Goodrich, Lloyd, Pickering, and Reed.

NAYS.—Messrs. Campbell, Clay, Condit, Franklin, Gaillard, Gregg, Lambert, Leib, Mathewson, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Whiteside, and Worthington.

On motion, by Mr. BRADLEY, to postpone the further consideration of the bill to the second Monday in February next, it was determined in the negative.

On the question, Shall the bill be read a third time as amended? it was determined in the affirmative—yeas 17, nays 10, as follows :

YEAS.—Messrs. Brent, Clay, Condit, Franklin, Gaillard, Gregg, Lambert, Mathewson, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Whiteside, and Worthington.

NAYS.—Messrs. Bradley, Champlin, Dana, German, Gilman, Goodrich, Horsey, Lloyd, Pickering, and Reed.

FRIDAY, February 1.

The credentials of JAMES A. BAYARD, appointed a Senator by the Legislature of the State of Delaware, for the term of six years from the third day of March next : and of WILLIAM H. CRAWFORD, appointed a Senator by the Legislature of the State of Georgia, for the

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term of six years from the third day of March next, were severally read, and ordered to lie on file.

WEDNESDAY, February 6.

Mr. BRADLEY presented the petition of Charlotte Hazen, relict of the late Brigadier General Moses Hazen, praying a grant of land may be made to her, as a Canadian refugee, or that a small addition, in lieu thereof, may be added to her present pension from Congress, for reasons stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRADLEY, FRANKLIN, and GERMAN, were appointed the committee.

MONDAY, February 11.

*Bank of the United States.*

The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the 25th day of February, one thousand seven hundred and ninety-one.

Mr. ANDERSON said that having been a member of the committee who reported the bill before the Senate, and not feeling himself at liberty to oppose the introduction of the report, yet, thinking it might be advisable to try the principle before they proceeded to discuss the details, he should move to strike out the first section of the bill. He would barely observe that, was this not a question which was generally understood, on which not only every member of this House, but every citizen of the United States had made up his mind, he should feel himself bound to offer reasons in support of the motion; but, inasmuch as it was a question which every gentleman had doubtless decided in his own mind, he felt unwilling to take up any more of the attention of the Senate, especially so late in the session, when there was so much business of importance before them which required to be acted on.

Mr. CRAWFORD said that he should proceed, though reluctantly, to explain the reasons of the committee for reporting the bill, which is now under consideration. After the most minute examination of the constitution, the majority of that committee were decidedly of opinion that the Congress of the United States were clearly invested with power to pass such a bill. The object of the constitution was two-fold: 1st, the delegation of certain general powers, of a national nature, to the Government of the United States; and 2d, the limitation or restriction of the State sovereignties. Upon the most thorough examination of this instrument, I am induced to believe, that many of the various constructions given to it are the result of a belief that it is absolutely perfect. It has become so extremely fashionable to eulogize this constitution, whether the object of the eulogist is

the extension or contraction of the powers of the Government, that whenever its eulogium is pronounced, I feel an involuntary apprehension of mischief. Upon the faith of this imputed perfection, it has been declared to be inconsistent with the entire spirit and character of this instrument, to suppose that after it has given a general power it should afterwards delegate a specific power fairly comprehended within the general power. A rational analysis of the constitution will refute in the most demonstrative manner this idea of its perfection. This analysis may excite unpleasant sensations; it may assail honest prejudices; for there can be no doubt that honest prejudices frequently exist, and are many times perfectly innocent. But when these prejudices tend to destroy even the object of their affection, it is essentially necessary that they should be eradicated. In the present case, if there be any who, under the conviction that the constitution is perfect, are disposed to give it a construction that will render it wholly incapable, the public welfare requires that the veil should be rent, and that its imperfection should be disclosed to public view. By this disclosure it will cease to be the object of adoration, but it will nevertheless be entitled to our warmest attachment.

The 8th section of the 1st article of the constitution contains among others the following grant of powers, viz: to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; to raise and support armies; to provide and maintain a navy; to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; to establish post-offices and post roads. This selection contains five grants of general power. Under the power to coin money it is conceived that Congress would have a right to provide for the punishment of counterfeiting the money after it was coined, and that this power is fairly incidental to, and comprehended in, the general power. The power to raise armies and provide and maintain a navy comprehends, beyond the possibility of doubt, the right to make rules for the government and regulation of the land and naval forces; and yet in these three cases, the constitution, after making the grant of general power, delegates specifically the powers which are fairly comprehended within the general power. If this, however, should be denied, the construction which has been uniformly given to the remaining powers which have been selected, will establish the fact beyond the power of contradiction. Under the power to regulate commerce, Congress has exercised the power of erecting light-houses, as incident to that power, and fairly comprehended within it. Under the power to establish post-offices, and post roads, Congress has provided for the punishment of offences against the Post-Office Department. If the Congress can exercise an incidental power not granted in one case, it can in all cases of a similar kind. But it is said, that the enumeration of certain

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powers excludes all other powers not enumerated. This is true so far as original substantive grants of power are concerned, but it is not true when applied to express grants of power, which are strictly incidental to some original and substantive grant of power. If it were true in relation to them, Congress could not pass a law to punish offences against the Post-Office Establishment, because the constitution has expressly given the power to punish offences against the current coin, and as it has given the power to punish offences committed against that grant of general power, and has withheld it in relation to the power to establish post-offices and post roads. Congress cannot, according to this rule of construction, so warmly contended for, pass any law to provide for the punishment of such offences. The power to make rules for the regulation and government of the land and naval forces, I have shown to be strictly incidental to the power to raise armies, and provide and maintain navies; but, according to this rule of construction, all incidental powers are excluded except the few which are enumerated, which would exclude from all claim to constitutionality, nearly one-half of your laws, and, what is still more to be deprecated, would render your constitution equally imbecile with the old articles of confederation. When we come to examine the 4th article, the absurdity of this rule of construction, and also of the idea of perfection which has been attributed to the constitution, will be equally manifest. This article appears to be of a miscellaneous character and very similar to the codicil of a will. The first article provides for the organization of Congress; defines its powers; prescribes limitations upon the powers previously granted; and sets metes and bounds to the authority of the State Governments. The second article provides for the organization of the Executive Department, and defines its power and duty. The 3d article defines the tenure by which the persons in whom the judicial power may be vested shall hold their offices, and prescribes the extent of their power and jurisdiction. These three articles provide for the three great departments of Government called into existence by the constitution, but some other provisions just then occur, which ought to have been included in one or the other of the preceding articles, and these provisions are incorporated and compose the 4th article. The 1st section of it declares, that "full faith and credit shall be given in each State, to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof." In the second section it declares, that a person, charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. A similar

provision is contained in the same section, relative to fugitives who are bound to labor, by the laws of any State. In the first case which has been selected, express authority has been given to Congress, to prescribe the manner in which the records, &c., should be proved, and also the effect thereof, but in the other two, no authority is given to Congress, and yet the bare inspection of the three cases will prove that the interference of Congress is less necessary in the first than in the two remaining cases. A record must always be proved by itself, because it is the highest evidence of which the case admits. The effect of a record ought to depend upon the laws of the State of which it is a record, and, therefore, the power to prescribe the effect of a record was wholly unnecessary, and has been so held by Congress—no law having been passed to prescribe the effect of a record. In the second case there seems to be some apparent reason for passing a law to ascertain the officer upon whom the demand is to be made; what evidence of the identity of the person demanded and of the guilt of the party charged must be produced before the obligation to deliver shall be complete. The same apparent reason exists for the passage of a law relative to fugitives from labor. According, however, to the rule of construction contended for, Congress cannot pass any law to carry the constitution into effect, in the two last cases selected, because express power has been given in the first and is withheld in the two last. Congress has nevertheless passed laws to carry those provisions into effect, and this exercise of power has never been complained of by the people or the States.

Mr. President, it is contended by those who are opposed to the passage of this bill, that Congress can exercise no power by application, and yet it is admitted, nay, even asserted, that Congress would have power to pass all laws necessary to carry the constitution into effect, whether it had given or withheld the power which is contained in the following paragraph of the 8th section of the 1st article: "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the Government of the United States or in any department or officer thereof." If this part of the constitution really confers no power, it at least, according to this opinion, strips it of that attribute of perfection which has by these gentlemen been ascribed to it. But, sir, this is not the fact. It does confer power of the most substantial and salutary nature. Let us, sir, take a view of the constitution upon the supposition that no power is vested in the Government by this clause, and see how the exclusion of power by implication can be reconciled to the most important acts of the Government. The constitution has expressly given Congress power "to constitute tribunals inferior to the Supreme Court," but it has nowhere expressly given the power to constitute a supreme court. In the 8d article it is said, "the judicial power

of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." The discretion, which is here given to Congress, is confined to the inferior courts, which it may from time to time ordain and establish, and not to the Supreme Court. In the discussion which took place upon the bill to repeal the judicial system of the United States in the year 1802, this distinction is strongly insisted upon by the advocates for the repeal. The Supreme Court was said to be the creature of the constitution, and, therefore, intangible, but that Congress, possessing a discretionary power to create or not to create inferior tribunals, had the same discretionary power to abolish them whenever it was expedient. But if even the discretionary power here vested does extend to the Supreme Court, yet the power of Congress to establish that court must rest upon implication, and upon implication alone. Under the authority to establish tribunals inferior to the Supreme Court, the power to establish a Supreme Court would, according to my ideas, be vested in Congress by implication. And, sir, it is only vested by implication, even if the declaration, that Congress shall have power to pass all laws necessary and proper to carry into effect the power vested in any department or officer of the Government should be held to be an operative grant. Under this grant, Congress can pass laws to carry into effect the powers vested in the judicial department? What are the powers vested in this department? That it shall exercise jurisdiction in all cases in law and equity arising under this constitution, &c., in all cases affecting ambassadors, &c., but the power to create the department and to carry into effect the powers given to or vested in that department, are very different things.

The power to create the Supreme Court cannot be expressly granted in the power to pass all laws necessary and proper to carry into effect the powers vested in that court, but must, as I have endeavored to prove, be derived from implication. Let me explain my understanding of a power which exists by implication, by an example which will be comprehended by all who hear me. In a devise, an estate is granted to A, after the death of B, and no express disposition is made of the estate during the life of A; in that case A is said to have an estate for life, by implication, in the property so devised. So when the constitution gives the right to create tribunals inferior to the Supreme Court, the right to create the Supreme is vested in Congress by implication. Shall we after this be told that Congress cannot constitutionally exercise any right by implication? By the exercise of a right derived only from implication, Congress has organized a Supreme Court, and then, as incidental to power, existing only by implication, it has passed laws to punish offences against the law by which the court has been created and organized. Sir, the right of

the Government to accept of the District of Columbia, exists only by implication. The right of the Government to purchase or accept of places for the erection of forts, magazines, arsenals, and dockyards, exists only by implication, and yet no man in the nation, so far as my knowledge extends, has complained of the exercise of those implied powers, as an unconstitutional usurpation of power. The right to purchase or except of places for the erection of light-houses, as well as the right to erect and support light-houses, must be derived by implication alone, if any such right exists. The clause in the constitution which gives Congress the power "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," certainly gives no express power to accept or purchase any of the places, destined for the uses therein specified. The only power expressly given in this clause is that of exercising exclusive legislation in such places; the right to accept or purchase must be derived by implication from this clause, or it must be shown to be comprehended in or incidental to some other power expressly delegated by the constitution. I shall now attempt to show, that according to the construction which has been given to other parts of this constitution, Congress has the right to incorporate a bank to enable it to manage the fiscal concerns of the nation. If this can be done, and if it can also be shown that the correctness of such construction has never excited murmur or complaint—that it has not even been questioned, I shall have accomplished every thing which it will be incumbent on me to prove, to justify the passage of the bill upon your table. The power to lay and collect taxes, duties, imposts and excises, together with the power to pass all laws which may be necessary and proper for carrying into effect the foregoing powers, when tested by the same rule of construction which has been applied to other parts of the constitution, fairly invests Congress with the power to create a bank. Under the power to regulate commerce, Congress exercises the right of building and supporting light-houses. What do we understand by regulating commerce? Where do you expect to find regulations of commerce? Will any man look for them any where else than in your treaties with foreign nations, and in your statutes regulating your custom-houses and custom-house officers? What are the reasons for vesting Congress with the right to regulate commerce with foreign nations, and among the several States? The commerce of a nation is a matter of the greatest importance in all civilized countries. It depends upon com-



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pacts with other nations, and whether they are beneficial or prejudicial depends not so much on the reciprocal interest of nations as upon their capacity to defend their rights and redress their wrongs. It was therefore highly important that the right to regulate commerce with foreign nations should be vested in the National Government. If the regulation of commerce among the several States had been left with the States, a multiplicity of conflicting regulations would have been the consequence. Endless collisions would have been created, and that harmony and good neighborhood, so essential between the members of a Federal Republic, would have been wholly unattainable. The best interest of the community, therefore, imperiously required, that this power should be delegated to Congress. Not so of light-houses. The interest of the States would have induced them to erect light-houses, where they were necessary, and when erected they would have been equally beneficial to their own vessels, the vessels of their sister States, and of foreign nations. The performance of this duty could have been most safely confided to the States. They were better informed of the situations in which they ought to be erected than Congress could possibly be, and could enforce the execution of such regulations as might be necessary to make them useful. How then has it happened that Congress has taken upon itself the right to erect light-houses, under their general power to regulate commerce? I have heard and seen in the public prints a great deal of unintelligible jargon about the incidentality of a law to the power delegated and intended to be executed by it, and of its relation to the end which is to be accomplished by its exercise, which I acknowledge I do not clearly and distinctly comprehend, and must therefore be excused from answering. I speak now of the public newspapers, to which I am compelled to resort to ascertain the objections which are made to this measure, as gentlemen have persevered in refusing to assign the reasons which have induced them to oppose the passage of the bill. But, sir, I can clearly comprehend that the right to erect light-houses is not incidental to the power of regulating commerce, unless every thing is incidental to that power which tends to facilitate and promote the prosperity of commerce. It is contended that under the power to lay and collect taxes, imposts, and duties, you can pass all laws necessary for that purpose, but they must be laws to lay and collect taxes, imposts, and duties, and not laws which tend to promote the collection of taxes. A law to erect light-houses is no more a law to regulate commerce, than a law creating a bank is a law to collect taxes, imposts and duties. But the erection of light-houses tends to facilitate and promote the security and prosperity of commerce, and in an equal degree the erection of a bank tends to facilitate and insure the collection, safe-keeping, and transmission of your revenue. If, by this rule of construction,

which is applied to light-houses, but denied to the bank, Congress can, as incidental to the power to regulate commerce, erect light-houses, it will be easy to show that the same right may be exercised, as incidental to the power of laying and collecting duties and imposts. Duties cannot be collected, unless vessels importing dutiable merchandise arrive in port; whatever, therefore, tends to secure their safe arrival may be exercised under the general power; the erection of light-houses does facilitate the safe arrival of vessels in port, and Congress therefore can exercise this right as incidental to the power to lay imposts and duties.

But it is said the advocates of the bank differ among themselves in fixing upon the general power to which the right to create a bank is incidental, and that this difference proves that there is no incidentality, to use a favorite expression, between that and any one of the enumerated general powers. The same reason can be urged, with equal force, against the constitutionality of every law for the erection of light-houses. Let the advocates for this doctrine lay their finger upon the power to which the right of erecting light-houses is incidental. It can be derived with as much apparent plausibility and reason from the right to lay duties, as from the right to regulate commerce. Who is there, now, in this body who has not voted for the erection of a light-house? And no man who reads one of these will believe it to be a regulation of commerce. And no man in the nation, so far as my knowledge extends, has ever complained of the exercise of this power. The right to erect light-houses is exercised, because the commerce of the nation, or the collection of duties, is greatly facilitated by that means; and, sir, the right to create a bank is exercised because the collection of your revenue, and the safe-keeping and easy and speedy transmission of your public money is not simply facilitated, but because these important objects are more perfectly secured by the erection of a bank than they can be by any other means in the power of human imagination to devise. We say, therefore, in the words of the constitution, that a bank is necessary and proper, to enable the Government to carry into complete effect the right to lay and collect taxes, imposts, duties, and excises. We do not say that the existence of the Government absolutely depends upon the operations of a bank, but that a national bank enables the Government to manage its fiscal concerns more advantageously than it could do by any other means. The terms necessary and proper, according to the construction given to every part of the constitution, imposes no limitation upon the powers previously delegated. If these words had been omitted in the clause giving authority to pass laws to carry into execution the powers vested by the constitution in the National Government, still Congress would have been bound to pass laws which were necessary and proper, and not such as were unnecessary and impropr-

er. Every legislative body, every person invested with power of any kind, is morally bound to use only those means which are necessary and proper for the correct execution of the powers delegated to them. But it is contended, that if a bank is necessary and proper for the management of the fiscal concerns of the nation, yet Congress has no power to incorporate one, because there are State banks which may be resorted to. No person who has undertaken to discuss this question has, as far as my knowledge extends, ventured to declare that a bank is not necessary. Every man admits, directly or indirectly, the necessity of resorting to banks of some kind. This admission is at least an apparent abandonment of the constitutional objection; for, if a bank is necessary and proper, then have Congress the constitutional right to erect a bank. But this is denied. It is contended that this idea rests alone upon the presumption that the Government of the United States is wholly independent of the State governments, which is not the fact; that this very law is dependent upon the State courts for its execution. This is certainly not the fact. The courts of the United States have decided, in the most solemn manner, that they have cognizance of all cases affecting the Bank of the United States. Sir, it is true that the Government of the United States is dependent upon the State governments for its organization. Members of both Houses of Congress, and the President of the United States, are chosen by the State governments, or under the authority of their laws. But it is equally true, that wherever the constitution confides to the State governments the right to perform any act in relation to the Federal Government, it imposes the most solemn obligation upon them to perform the act. The Constitution of the United States, as to these particular acts, is the constitution of the several States, and their functionaries are accordingly sworn to support it. Can it, then, be seriously contended, that because the constitution has in some cases made the Government of the United States dependent upon the State governments, in all which cases it has imposed the most solemn obligations upon them to act, that it will be necessary and proper for Congress to make itself dependent upon them in cases where no such obligation is imposed? The constitution has defined all the cases where this Government ought to be dependent upon that of the States; and it would be unwise and improvident for us to multiply these cases by legislative acts, especially where we have no power to compel them to perform the act, for which we have made ourselves their dependents. In forming a permanent system of revenue, it would be unwise in Congress to rely, for its collection and transmission from one extreme of this extensive empire to the other, upon any accidental circumstance, wholly beyond their power or control. There are State banks in almost every State in the Union, but their existence is wholly

independent of this Government, and their dissolution is equally so. The Secretary of the Treasury has informed you that he conceives a bank is necessary to the legitimate exercise of the powers vested by the constitution in the Government. I know, sir, that the testimony of this officer will not be very highly estimated by several honorable members of this body. I am aware that this opinion has subjected him, and the committee also, to the most invidious aspersions; but, sir, the situation of that officer, independent of his immense talents, enables him to form a more correct opinion than any other man in the nation of the degree of necessity which exists at the present time for a national bank, to enable the Government to manage its fiscal operations. He has been ten years at the head of your Treasury; he is thoroughly acquainted with the influence of the bank upon your revenue system; and he has, when called upon, declared that a bank is necessary to the proper exercise of the legitimate powers of the Government. His testimony is entitled to great weight in the decision of this question, at least with those gentlemen who have no knowledge of the practical effects of the operations of the bank in the collection, safe-keeping, and transmission of your revenue. In the selection of means to carry any of your constitutional powers into effect, you must exercise a sound discretion; acting under its influence, you will discover that what is proper at one time may be extremely unfit and improper at another. The original powers granted to the Government by the constitution can never change with the varying circumstances of the country, but the means by which those powers are to be carried into effect must necessarily vary with the varying state and circumstances of the nation. We are, when acting to-day, not to inquire what means were necessary and proper twenty years ago, not what were necessary and proper at the organization of the Government, but our inquiry must be, what means are necessary and proper this day. The constitution, in relation to the means by which its powers are to be executed, is one eternal *now*. The state of things now, the precise point of time when we are called upon to act, must determine our choice in the selection of means to execute the delegated powers.

Mr. LLOYD.—Mr. President: This is indeed, sir, an up-hill, wind-mill sort of warfare—a novel mode of legislative proceeding. That a bill should be brought in on a very important subject which has been long under consideration, and that a gentleman should move to strike out the first section of the bill, which comprises all its vitality, (for it is the first section which provides for the continuance of the bank,) and should be supported in it, without deigning to assign any other reasons than may be derived from newspaper publications, which are so crude and voluminous that not one man out of ten will so far misspend his time as to take the trouble to read them, is indeed extraordinary.

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Still, if gentlemen choose to adopt this dumb sort of legislation, and are determined to take the question without offering any arguments in support of their opinions, I certainly should not have interfered with their wishes, had I not been a member of the committee who had reported the bill, who had heard the testimony offered by two very respectable delegations from Philadelphia; one from the master manufacturers and mechanics of the city, and the other from the merchants; and had I not taken minutes of this testimony, which I find it is expected from me that I should relate to the Senate.

Sir, I consider the motion to strike out, now under consideration, as going to the entire destruction of the bill, without any reference to its details or modifications; it therefore appears to me in order, to take into consideration only the material principle of the bill; that is, whether it be proper that the charter of the bank should be renewed on any terms whatever, let those terms be what they may.

Sir, it is admitted by the Secretary of the Treasury, in his communications to Congress, that the concerns of this bank have been "skillfully and wisely managed," that the bank has made a very limited and moderate use of the public moneys deposited with it; and that it has greatly facilitated the operations of Government by the safe-keeping and transmission of the public moneys. It has at all times met the wishes of the Government in making loans. It has done this even at six per cent., while the Government have been obliged, in one instance, for a considerable amount to pay eight per cent. to other persons for the loans obtained from them. It is admitted, sir, that the bank, at the request of the Treasury Department, has established branches for the purpose of facilitating the operations of the Government at places where such establishments could not but be inconvenient to them in point of management, and disadvantageous in point of profit. I allude more particularly, sir, to the branches of the bank which has been established at New Orleans and at Washington. We have been told this session, sir, by a gentleman from Maryland, (Mr. SMITH,) that the Territory of Orleans is a very wealthy one, that it probably contains a greater number of rich inhabitants, for its population, than any other district in the Union. Sir, if this be the fact, of whom does this wealthy population consist? Not of the inhabitants, but of the planters; men who are not borrowers of the bank, who, when they realize the sales of their produce, invest the surplus proceeds of it beyond their expenditure in the funds, or in the acquisition of new lands, or in the purchase of an additional number of negroes. Sir, it is notorious, that from the recent possession by the United States of Louisiana, and the certainty that New Orleans must soon be the emporium of an immense western commerce, that city has become more the resort of the young, the adventurous, the enterprising

and the rash among the mercantile men of our country, than any other city in the Union; and it is obvious, sir, in proportion as the borrowers from a bank consist of persons of this description, in the same proportion must the circumstances of such bank be unsound; and without possessing any particular knowledge whatever on the state of this bank, if the collections of its debts are speedily made, I would not make the purchase at a discount of twenty-five per cent. from the nominal amount of them.

Sir, we can judge with more accuracy when we come nearer home. What is the state of the bank in this city? What the ability of its debtors to meet their engagements? It is stated the branch has a loan out here of four hundred thousand dollars. Where is the navigation?—where the wealthy merchants?—where are the opulent tradesmen?—the extensive manufacturers, to refund this money, when they are called on to do it? Sir, they are not to be found; they do not exist here; there are but very few opulent men in the city, and those are either not borrowers of the bank, or not borrowers to an amount of any importance. Where, then, is the money to be found, or what has been done with it? It has probably been taken out of the Bank of the United States to build up the five or six District banks which you have chartered the present session; to furnish the means of erecting the fifty or sixty brick houses which we are told have made their appearance during the last Summer; to encourage speculations in city lots, and to enable the proprietors to progress with the half-finished canal which nearly adjoins us. Well, sir, if the bank promptly calls in its loan of four hundred thousand dollars, will the debtors be enabled to meet their payments? Can they sell these lots, these brick houses, these canal shares? No, sir, in such a state of things they could find no purchasers, they could nearly as well create a world as to furnish the money; and if the bank is to stop, and the payment of this debt be speedily coerced, I would not give two hundred thousand dollars for the whole of it.

In addition to this, I shall show presently, from testimony which cannot be controverted, that the conduct of the Bank of the United States, or its directors, or rather the stockholders, whose agents they are, in addition to being wise and skilful, and moderate, as the Secretary of the Treasury states them to have been, that they have also been honorable, and liberal, and impartial; and if, in addition to this, it be proved that the bank has, in every instance where it had the ability to do it, met the wishes of the Government, and to facilitate its views in the security and collection of the revenue, it has also established branches where it must have been obviously and palpably to the disadvantage of the bank to do it—if it has furnished capitals for the extension of our commerce, if it has provided means for the establishment of important manufactories, if it has had a tenden-

cy to raise the price of our domestic produce, and has thus encouraged industry, and improved and embellished the interior of the country—it would seem pretty strongly to follow, that if it be expedient to preserve the existence of an institution similar to this, then these gentlemen, on the score of merit, added to the experience of twenty years' successful operation, have a fair claim on the Government for a preference in favor of that which is already in operation.

I am aware, sir, that it may be stated in opposition to this claim, that these stockholders have enjoyed a boon for twenty years from which others of their fellow-citizens have been deprived, except on such terms as the sellers of shares chose to prescribe; that the charter expires by its own limitation, and that beyond this period they have no right to expect any thing which may not arise from the interest and convenience of the Government. I admit, sir, there is considerable strength in these objections. The exclusive right contained in the charter ever appeared to me as furnishing the most solid constitutional objection against the bank. The creation of monopolies; the granting of exclusive privileges, except so far as to secure to the authors of useful inventions the benefit of their discoveries; the tying up of the hands of the Legislature, and depriving itself of the power of according to a set of citizens, who may come into legal existence to-morrow, or ten years hence, what it had given to another; ever appeared to me hostile to the genius and spirit of the people of the United States, and of all their institutions. Highly then, sir, as I am induced to think of the conduct of this bank, from the best evidence I can obtain, still, from the considerations I have just mentioned, did the question now before us simply affect the stockholders, I should certainly not trouble the Senate with any remarks in reference to it, and should sit down in entire acquiescence, whether the prayer of their petition for the renewal of the charter of the bank were granted or rejected.

Sir, before quitting this idea of constitutional objection, permit me to make one or two brief remarks in regard to it. It is impossible for the ingenuity of man to devise any written system of government, which, after a lapse of time, extension of empire, or change of circumstances, shall be able to carry its own provisions into operation—hence, sir, the indispensable necessity of implied or resulting powers, and hence the provision in the constitution that the Government should exercise such additional powers as were necessary to carry those that had been delegated into effect. Sir, if this country goes on increasing and extending, in the ratio it has done, it is not impossible that hereafter, to provide for all the new cases that may rise under this new state of things, the defined powers may prove only a text, and the implied or resulting powers may furnish the sermon to it.

Permit me, sir, to put one question on this head, in addition to those so ably, and to my view, unanswerably put yesterday by the honorable gentleman from Georgia, (Mr. CRAWFORD.) Whence, sir, do you get the right, whence do you derive the powers to erect custom-houses in the maritime districts of the United States? To attach to them ten, fifteen, or twenty custom-house officers; and clothe these men with authority to invade the domicile, to break into the dwelling-house of perhaps an innocent citizen? Whence do you get it, sir, except as an implied power resulting from the authority given in the constitution "to lay and collect taxes, duties, imposts, and excises?" If, under this authority, you can erect these custom-houses and create this municipal, fiscal, inquisitorial *gens d'armes*, with liberty to violate the rights of the citizen, to break into his castle at midnight, without even a form of warrant, on a plausible appearance of probability, or probable cause of suspicion of his secreting smuggled goods, which the event may prove to be unfounded—and it will be recollected that a majority of Congress voted for the grant of this power in its most offensive form, when two years since they voted for the act enforcing the embargo—I say, sir, if under this general power to collect duties, you can erect the establishment and give the offensive power just mentioned, can you not, with the concurrence even of the citizens, adopt another more mild and useful mode, and create an establishment for the collection and safe-keeping of the revenue, and place it under the direction of ten or twelve directors, and christen it an office of discount and deposit, or of collection and payment, as you like best? And can you not, when you have thus created it, give to the directors a power, which perhaps they would have without your grant, to receive and keep the cash of those who choose to place it with them and to loan them money at the legal rate of interest, and in some places, as at New York, at nearly fifteen per cent. above the legal rate of interest? If you can do this, then you have your bank established, sir—and, most assuredly, if you can do one of these things you can do the other.

Sir, the constitutional objection to this bank, on the ground that Congress had not the power to grant an act of incorporation, has ever appeared to me the most unsound and untenable. Still gentlemen of intelligence and integrity, who have thought long and deeply on the subject, think differently from me: and I feel bound to respect their opinions, however opposed they may be to my own. Yet, sir, I will venture to predict, without feeling any anxiety for the fate of the prophecy, that should this bank be suffered to run down, such will be the state of things before this time twelve months, that there are other gentlemen, who at present have constitutional objections, but who have not thought so long and deeply upon them, who will, before that time, receive such a flood of

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intelligence, as on this head perfectly to dispel their doubts, and quiet their consciences.

Sir, I shall now proceed as briefly as may be in my power to state the situation of this bank on the expiration of its charter, and the effects on the community consequent on it. There is now due to the bank from individuals fifteen millions of dollars. These fifteen millions of dollars must be collected—the power of the bank to grant discounts will have ceased, and the duty of the directors must require them to make the collection. Sir, how is this to be done? Whence can the money be obtained? I shall demonstrate to you presently, that already, from an apprehension of a non-renewal of the charter of the bank, business is nearly at a stand—that navigation, real estate, and merchandise are unsalable; and that a man worth one hundred thousand dollars, at the recently rated value of property, and owing ten thousand dollars, must still be utterly unable to meet his engagements. Suppose, sir, this property consists in houses or shipping; suppose his warehouse is full of goods, and he has a large sum placed at his credit in England? If, sir, he can neither sell his ships nor his goods—if he cannot sell his real estate nor scarcely give away his exchange, which hitherto, to men who had money in England, has been a never-failing source of supply in case of need; I say under these circumstances, sir, whatever may be his property, he cannot meet his engagements. Sir, can men thus situated, solvent as they ought to be ten times over, find relief from the State banks? Certainly not, sir. These banks have already gone to the extreme length of their ability; they have always discounted to an amount in proportion to their capital exceeding that of the Bank of the United States, which is incontrovertibly proved by the dividends they have declared, which have at most universally equalled and frequently exceeded those of the Bank of the United States, notwithstanding the advantage enjoyed by the latter from the deposit of public moneys. Sir, so far from having it in their power, in the case of the dissolution of the Bank of the United States, to assist the debtors to that bank in meeting their engagements to it—I affirm the fact, on which I have myself a perfect reliance, that, take the State banks from Boston to Washington, and after paying their debts to the Bank of the United States, they have not, nor do I believe they have had, for six months back, specie enough to pay the debts due to their depositors, and the amount of their bills in circulation. And here I beg it to be observed, that bank bills and bank deposits, or credits, are precisely the same thing—with this difference, that the latter, from the residence in the neighborhood of the banks, and the vigilance of the proprietors, would be the first called for. How idle is it then to expect to obtain relief from banks which have already extended themselves beyond the bounds of prudence, and have not even at present the ability to meet their exist-

ing engagements? It might nearly as well be expected, that a man who was already a bankrupt should prop and support his failing neighbor.

Sir, much has been recently said of the amount of specie in the United States. Theoretical men have made many and vague conjectures about it, for after all it must rest upon conjecture; some have estimated it at ten millions of dollars—some twelve, some twenty, and some newspaper scribblers at forty millions of dollars. Sir, I do not believe that for the last ten years the United States have at any time been more bare of specie than at the present moment. A few years since, specie flowed in upon us in abundance. This resulted principally from an operation of a very singular and peculiar nature. The Spanish Government, as it was then understood, agreed to pay to France a very large sum of money—many millions of dollars, the precise number I am unable to state, from her possessions in South America. France contracted with a celebrated English banking house, as was said at the time, with either the concurrence or connivance of the English Government, that this money should be obtained through the United States. These bankers, by their agent, contracted with certain American houses, principally I believe in Baltimore, for the importation of this specie from La Vera Cruz into the United States, from whence it was not transmitted in coin to Europe, but invested in adventures in the shipments of produce, the proceeds of which ultimately go into the hands of these bankers in London, or of their friends on the continent, from whom it was finally realized by the French Government, either by drafts from Paris, or remittances to that city. This operation had a trebly favorable effect on the United States—it made fortunes for some of the merchants, it furnished the means of shipments to Europe, and it also provided the funds for adventures to the East Indies and to China. But this contract has now been finished some years; and since that time there has been a constant drain of specie from the country. Where it is in future to be procured from, I know not. Not from South America. Specie is, I believe, protected from exportation there, except to Spain. From Spain we cannot get it—to a great part of what was Spain we have now scarcely any trade. From France it cannot be obtained, for if we can get it there even by license, we are obliged to bring back her produce or manufactures. From England it cannot be imported—it is now made highly penal to attempt to send it out of the kingdom. With South America we have but little trade—hitherto we furnished them with smuggled or licensed European and India goods; but now the markets are flooded with these goods by importations direct from England, and which have been attended with great loss to the shippers. For these reasons, it is difficult to find a vessel sailing from the United States to the Spanish ports in South America. These

are among the reasons why the amount of specie now in the country is small, and has for some time past been gradually lessening. Sir, without indulging in vague conjectures, what are the best data we have to form an estimate of the amount of specie in the country? The Bank of the United States has five millions of dollars in its vaults. In Boston there are three State banks—in New York I believe four, Philadelphia four, and Baltimore eight—call these nineteen twenty, and allow on an average one hundred and fifty thousand dollars specie, which probably is as much as they generally possess, and this will make three millions of dollars; this amount, united to the sum in the vaults of the Bank of the United States, gives eight millions of dollars—to which, if you allow two millions of dollars for a loose circulation of specie, you get an aggregate of ten millions of dollars. We are sometimes told of the large sums of money hoarded in our country by individuals—probably there may be some among the German farmers in Pennsylvania—perhaps more in that State than in any other, or all the others in the Union; but still of no great amount—the reputation of a little money possessed in this way easily swells into a large sum. At any rate, let the amount be what it may, in time of distress and mistrust, it would afford no addition to your circulating medium; for it is precisely in times like these, that men who hoard money will lock it up most securely.

Sir, the circulation of our country is at present emphatically a paper circulation—very little specie passes in exchange between individuals—it is a circulation bottomed on bank paper and bank credits, amounting perhaps to fifty millions of dollars. And on what, sir, does this circulation rest? It rests upon the ten millions of dollars, if that be the amount of specie in the country, and upon public confidence.

The Bank of the United States has fifteen millions of dollars to collect—call it ten, sir—nobody will dispute this—no one will pretend that this bank is not solvent—the remnant of its surplus dividends, and the interest it will have earned, will be sufficient to cover its losses at New Orleans, at Washington, and perhaps elsewhere. In what are these ten millions of dollars to be collected? In bank bills, the credit of which is at least doubtful? No, sir, in specie; and when this is entirely withdrawn from the State banks, and the banks are unable to pay the money for their bills, who does not see that this confidence is instantly destroyed—that the bubble bursts—that floods of paper bills will be poured in upon them, which they will be unable to meet, and which will for a time be as worthless as oak leaves—that the banks themselves must, at least temporarily, become bankrupts, and that a prostration of credit, and all those habits of punctuality which for twenty years, we have been striving so successfully to establish, will inevitably ensue, and, with them, also, there must be suspended the commerce, the industry and manufactures of the country;

and a scene of embarrassment and derangement be produced, which has been unexampled in our history.

I will now make a very few remarks on the effects which the dissolution of the bank will have on the revenue and fiscal concerns of the country. Can it be supposed, sir, that the source to which will be imputed the distress that will have flowed from this event, will be the first to be thought of to be guarded against a participation of the evils that will result from it, in preference to the claims of the most intimate friends and connections? No, sir, the bonds due to the United States will be collected only at the tail of an execution. But I mean not to press this consideration. Admit, for a moment, that they will all be equally well collected—that they will be paid as usual, although it is palpable that for a considerable time the merchants will be unable to find the means to pay them: yet, admit, sir, that the money is collected in the State banks, how is it to be transmitted? It must come to the centre of the seat of Government; very little of the public money is expended in the Northern section of the Union. Will it come from the Eastward, in bills of the State banks? Penobscot bank bills sometimes will not pass in Boston; Boston bills pass with difficulty in New York or Philadelphia; and the bills of New York State banks probably would not be readily current in Washington. You must, then, sir, if Boston gives you a revenue of two millions of dollars, transmit the greater part of it to the seat of Government, or wherever it may be wanted in specie. Can this be done? We have not two millions of dollars of specie in our town, and, I may almost venture to say, never had. Suppose you make this transmission once, can you do it a second time? No, sir, the thing is utterly impracticable. You must adopt some other mode. Exchange between the different cities will not reach the case; frequently it cannot be purchased even for an insignificant amount.

Sir, will your money, when collected, be safe in the State banks? Of this I am extremely doubtful. Solicitations will undoubtedly be made for it from all quarters. They have already been made. In one instance, I am told, sir, the agent of a bank, even during the few past weeks, has been here for the purpose—that suddenly the agent was gone, and in a few days it was discovered that, owing to the failure of one of the debtors to the bank which he represented, (a great broker,) the stock had fallen in one day near 20 per cent. What was this the evidence of, but that those who were most interested in this bank, the stockholders who were on the spot, and best acquainted with its solidity, were willing to wash their hands of their concern in it, at almost any rate of sacrifice? Sir, I only state this, as it was here reported. I have no personal knowledge on the subject. But will you trust your funds with an institution thus precarious, and whose solidity is distrusted even by its best friends?

FEBRUARY, 1811.]

*Bank of the United States.*

[SENATE.]

WEDNESDAY, February 13.

The credentials of NICHOLAS GILMAN, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing on the 4th day of March next, were read, and ordered to lie on file.

THURSDAY, February 14.

*Bank of the United States.*

The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the 25th of February, 1791.

The question being to strike out the first section—

MR. GILES.—MR. President: It is with great reluctance that I find myself compelled to enter into the discussion of the subject now under the consideration of the Senate, but the observations which fell from the honorable gentleman from Georgia (MR. CRAWFORD) were of such a character as to impose on me an irresistible obligation to present that view of the subject which has resulted from the best reflections I have been enabled to bestow on it. This obligation arises from the very high respect I entertain for the Legislature of the State I have the honor to represent, the great respect I feel for the gentleman who made the observations, as well as from the respect which is manifestly due to myself. In executing this unpleasant task, I labor under circumstances of peculiar embarrassment. This embarrassment arises from a conviction that the views of the subject now proposed to be exhibited will disappoint the expectations both of the opposers and the favorers of the bill, and that they will not be acceptable to either. I shall not, however, in this instance, depart from my invariable habit, when urged by duty to participate in debate before this honorable body, of disclosing in the most undisguised manner my real opinions upon the whole subject, free of any consideration of political difficulties or inconveniences which may consequently affect myself.

In the first place, I find myself called upon to oppose a law, on constitutional grounds, which has been in existence for nearly twenty years, and during that period, I am compelled to admit, has been acquiesced in by the several State governments, as well as by the General Government, and its republican administrations. It is peculiarly irksome to me to question the constitutionality of a law which has been thus and so long acquiesced in, because it tends to give the character of instability to the laws generally, and in my judgment, tends also to impair the sacred character of the laws, and of course, to lessen their efficacy. In a Government like ours, where the laudable boast of every citizen is that he lives under a government of laws, and not of men, no subject should be touched with more caution and delicacy than one which questions the validity of the laws, lessens the confi-

dence of the citizens in them, or impairs the obligation of obedience to them. Yet, sir, the course of observations I propose to make may have some of these tendencies, which I should extremely regret, and this apprehension, of course, produces embarrassment. Connected with this idea is another circumstance of embarrassment. I cannot help observing the inordinate zeal manifested by the opposers of this bill, evidently resulting from a belief that its rejection will lessen the powers of the Federal Government. Although it may be properly directed in the present instance, yet I think I have seen, and fear I may hereafter see the same spirit directed against some of the powers and proceedings of the Government which I have deemed indispensable to its own preservation, and its beneficial efficacy towards the people. It may, perhaps, be thought by some not becoming in me to say that I have not been an inattentive observer of the progress of this Government for twenty years, and more particularly, since the Republican party came into power. Some of the scenes through which I have passed, have produced an impressive influence on my mind. Such is the nature of the Government that its administration will vibrate from one principle to another, and it will always require great wisdom to keep its oscillations from wandering too far. Whilst those who preceded us in power endeavored to legislate into the constitution an unnecessary constructive energy, leading to what has been called consolidation, it appears to me that we have taken too much the opposite course, leading to disunion and dissolution, by depriving it constructively of its legitimate, necessary, and proper powers. If this course should be unfortunately persevered in, it requires no spirit of prophecy to foresee that the Government will fall to pieces from the want of due energy in the administration of its legitimate powers, or that some extraordinary means must be resorted to for its resuscitation.

The honorable gentleman from Georgia, (MR. CRAWFORD,) who reported this bill, as the chairman of the committee, to whom the subject was generally referred, excited not a little surprise in my mind by the prefatory remarks which fell from him in support of it. The gentleman prefaced his arguments by observing, "that it had latterly become the fashion to eulogize the Constitution of the United States; and that whenever he heard lavish encomiums applied to it, he could not help apprehending mischief." I acknowledge I could not comprehend the bearing of this remark upon the question under discussion. I, sir, have long been in the habit of venerating the constitution, and have often expressed my admiration at the wisdom of its provisions; and I really had hoped that I might have been indulged in these sentiments and prepossessions, and even the expression of them upon proper occasions, without exciting in the mind of any gentleman apprehensions of mischief; nor can I divine what species of mis-

chief the gentleman apprehends from that cause. Mr. President, when we look over the whole world known to us ; when we particularly cast our eyes over that part of it with which we have the most intimate relations ; when we see the rapid strides which despotism is making over the whole human race ; when we observe the various and powerful means now in use to rivet its immovable dominion upon mankind ; when we reflect that the Constitution of the United States now affords the only practical experiment upon the republican principle, and the only and last hope for the preservation and extension of the liberties of man ; is it wonderful or alarming, that we should feel and express some partiality and even veneration for an instrument of so peculiar a character ? or should even endeavor to teach others to venerate, to cherish, to support it ? An instrument, whose provisions at least exempt us from the general scene of despotism, and may eventually extend their blessings to the whole human race ? Or if, in dwelling upon the wisdom and importance of its provisions, we might pass over some possible defects from scrutinizing them with an hypercritical eye, might not the omission be indulged without producing animadversion or censure ? Sir, we all venerate the republican principle. I know the gentleman from Georgia (Mr. CRAWFORD) does ; nor do I pretend that my devotion to it is greater than his ; but, sir, I have given the greatest attention to the observations of the gentleman upon the constitution ; and I can now say that my veneration for the instrument, and admiration at the wisdom of its provisions, are not at all impaired nor diminished, notwithstanding the gentleman's criticisms, &c. I will now, Mr. President, endeavor to exhibit the general character of the constitution ; to point out the mode for its correct interpretation, and apply it to the subject now under consideration. In doing so, I propose to follow the course of observations made by the honorable chairman of the committee who reported the bill.

The gentleman proceeded to remark, that in taking a review of the constitution he found general as well as incidental powers enumerated therein. I did not see the precise application the gentleman intended to make of this remark, but I have been induced to review the constitution in reference to this subject, and it does appear to me, that the classification and definition of powers is as well arranged as human wisdom could devise. I know that nothing is perfect which is the work of man ; that no language is capable of perfect definition. But, as far as definition can be drawn from language, I conceive the constitution exhibits as perfect an example as is in existence. In the next place, the gentleman remarked that there was a number of cases in which Congress had departed from the particular enumerated powers in the constitution, and had resorted to implication or construction for the derivation of its powers. The remark is perfectly correct, and I am very ready

to admit that there is no such thing as carrying into effect enumerated powers in any instrument whatever, without the intervention of certain derivative and implied powers. But if the gentleman had succeeded in showing that there had been aberrations by the Congress of the United States from the enumerated powers of the constitution, would he think it correct to use those aberrations as precedents for still further aberrations ? Ought they not rather to be considered as mementoes on the part of Congress to induce them to tread with more care, and, if they find that their former errors could not be supported by a fair and candid construction of the constitution, to restrain the laws within its wholesome provisions ? Certainly that is the use to which the history of errors presented by the honorable gentleman from Georgia ought to be applied. But, before I proceed to examine the subject with more accuracy, I cannot avoid to express my surprise at another observation which fell from the gentleman. The gentleman observed, that the argument drawn from the distinction between ends and means was "incomprehensible ;" and he went so far as to call it "nonsensical jargon." It is not only comprehensible to me, sir, as I conceive, but, in my opinion, is the only way in which a just construction of the constitution is to be attained. This results from the peculiar nature and organization of the instrument. Permit me here to endeavor to illustrate my idea by a reference to the constitution itself ? The constitution is an instrument which grew out of the situation of the United States at the time of, and preceding its adoption ; and to show that the constitution recited the great objects of its formation, and then prescribed the means for carrying them into effect, I beg leave to refer to a part of the instrument itself. The preamble, like all other preambles, was designed to express the objects of the instrument or the ends to be effected by its provisions. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity ; do ordain and establish this constitution for the United States of America." What is the plain language of this preamble ? The answer is obvious. That certain great *ends* or *objects* are here proposed to be effected. In what mode, or by what *means* are they to be effected ? The preamble tells you, sir, "by establishing this Constitution for the United States of America." That is the mode in which these great *ends* are proposed to be effected, and the body of the instrument prescribes the *means* which were deemed necessary and proper to the effectuation of these *ends*. The subject will be better understood by throwing the mind back to the period of time when this constitution originated, and reviewing the peculiar political situation of the United States then, and for some time antecedently thereto.



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*Bank of the United States.*

[SENATE.]

At the time, and antecedently to the establishment of the present constitution, the existing State Governments were in possession of all the powers of sovereignty, subject only to feeble and inefficient articles of confederation, without the means of executing their own will, and resting for its execution solely on requisitions upon the respective States, which might either comply or refuse to comply with such requisitions at their discretion. A non-compliance was almost invariably the result of State deliberations, and hence the feebleness of the old Confederation. The present constitution was adopted as the remedy for this great and alarming evil. Without it, disunion and ruin to the States would have been the inevitable consequence, because, upon actual experiment, the States were found utterly incompetent to the due administration of all the powers of sovereignty intrusted to their management. The reason of this incompetency was, that some of the most important powers of sovereignty inherently possessed a geographical influence beyond the geographical limits of the several States individually, and their jurisdiction could not transcend their geographical limits. Of this description of powers is the power to declare war, &c., to regulate commerce, &c., and all the other enumerated powers of the constitution. In consequence of the conflicting systems adopted by the several States in relation to some of these powers, which were then in practical operation; particularly in the conflicting regulations of commerce, the States were getting into the most serious collisions, &c. The formidable evils necessarily growing out of the state of things required a formidable and competent remedy. The great subject for the contemplation of every reflecting mind in America was, what that remedy should be? The wise framers of our admirable constitution, after great deliberation, conceived and executed the only practical expedient. It consisted in separating the powers of sovereignty; in establishing a General Government, and conferring on it all the powers of sovereignty whose geographical influence was found co-extensive with the geographical limits of the United States, and reserving to the State Governments respectively those powers which were of a mere local character, and which possessed no influence beyond the limits of the States respectively. And also to confer on the General Government "all the means necessary and proper" for executing its own laws in relation to these enumerated powers, without any dependence upon requisitions from the respective State Governments for this indispensable object. The idea was a grand one, and executed with an admirable simplicity, and the most consummate wisdom. Hence it appears that the great object of the framers of the constitution was to establish a General or Federal Government, and to confer on it all the powers of sovereignty, which in their nature and character possessed an influence co-extensive with the United States, and to re-

serve to the previously-existing State Governments all the powers of sovereignty of a more local character, and whose influence did not extend beyond the geographical limits of the States respectively, and therefore could be rendered completely subservient to State jurisdiction and management. These are the means prescribed in the constitution for effecting the ends expressed in the preamble. To the administrators of the General Government the framers of the constitution have said: We give to you all the powers of sovereignty of a general character; and to the administrators of the State Governments they have said: We reserve to you all the powers of sovereignty of a local character. I verily believe, that if those various Governments should be administered with the wisdom with which this separation of powers was made in the body of the constitution, the people of the United States will not be disappointed in the great and interesting objects proclaimed in its preamble. From this short history of the origin of the constitution, and the causes which produced it, it evidently appears, that the General or Federal Government is in its nature and character a Government of enumerated powers, taken from previously existing State Governments, enumerated and conferred on it, reserving all unenumerated powers to the State Governments, or to the people in their individual capacities. But if any doubts had existed upon this subject, two amendments to the constitution, growing out of some jealousies lest a contrary interpretation should be given to the constitution, have been adopted, which ought to put this question to rest forever. The 9th and 10th articles of amendments to the constitution are as follow:

"The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people." "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Now, sir, can language be more explicit than this, in declaring that this charter contains certain enumerated powers, and that all not enumerated are reserved to the States or to the people? There is one article reserving rights to the people, and afterwards another article reserving them to the States and to the people. While on this subject, I beg leave to read a clause in the constitution, which I find among the enumerated powers, and which has been construed by some, as intended to convey a general grant of powers among the enumerated powers: "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States." The words "and to provide for the common defence and general welfare," have by some been considered as conveying a general grant of power. Nothing is necessary to show that this is not a fair and correct construction of the constitution, but reading it

with attention. These terms contain no grant of power whatever, but are used to express the ends or objects for which particular grants of power were given. Paying the debts and providing for the common defence and general welfare are great objects, intimately connected with the particular grants of power which are given for their effectuation; and without these particular grants of power, it would not have been possible for Congress to effect them. The framers of the constitution have simply selected some of the objects expressed in the preamble, and declared that to effect them, and to pay the debts of the United States, were the considerations which induced them to give to Congress the power to lay and collect taxes," &c. Thus taxes are to be laid, &c. "to pay the debts, and to provide for the common defence and general welfare." Could they have chosen a more appropriate phraseology? The plain language to Congress is: "You shall have power to lay and collect taxes, to pay the debts," &c., and to provide for the common defence and general welfare, or, in other words, for the purpose of paying the debts, &c., and of providing for the common defence and general welfare. These words do not contain a general grant of powers, but express the objects of a particular grant of powers. The framers of the constitution could not have done an act so absurd as to make a general grant of powers, among an enumeration of specified powers.

I will now, Mr. President, proceed to examine those instances which the gentleman has presented of the supposed aberrations of the Congress of the United States from the enumerated powers, and I think it will not be difficult to show that there is not a single instance quoted, but which is deducible from a fair and correct interpretation of the express words of the constitution, giving them their common and appropriate meaning.

The first instance presented to our consideration by the honorable gentleman from Georgia (Mr. CRAWFORD) of the exercise of a power by Congress not enumerated in the constitution, was the erection of light-houses. The gentleman from Massachusetts, (Mr. LLOYD,) to whose dispassionate observations I listened with great pleasure, superadded the instance of the erection of custom-houses. On these, both of the gentlemen seemed to place great reliance, as cases in point with the one under consideration. Both these powers I conceive are given to Congress by the express words of the constitution; but if I should be mistaken in this idea, they are certainly comprehended as incidental and subservient to, or in other words, "necessary and proper" for carrying into effect some of the enumerated powers.

The express words of the constitution give to Congress the power "to lay and collect taxes, duties, imposts, and excises," &c.; "to regulate commerce with foreign nations among the several States, and with the Indian tribes;" "to exercise exclusive legislation in all cases what-

ever, &c., over all places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings." From these clauses of the constitution, taken in connection with each other, I think Congress possesses the power to erect light-houses and custom-houses by the express words of the constitution; for both of these descriptions of houses must necessarily be included within the term "needful buildings," or the only construction which is at all applicable to these cases is, that needful buildings is the general term, and light-houses and custom-houses are particular instances or examples under the general term; or, if I may be so allowed to express my ideas, needful buildings may be considered as the genus, of which light-houses and custom-houses are particular species. The reason with the framers of the constitution for using this general term is obvious. It was, because it was impossible for them to foresee all the particular species of needful buildings which might become necessary to the salutary operations of this Government in the course of its complicated and due administration; they therefore wisely left that subject to the discussion of Congress, restrained and limited, nevertheless, by the requisition of the consent of the Legislatures of the States respectively, in every case proposed for the exercise of this discretion. That this is a plain and correct interpretation of the constitution is evinced by the concurrent opinions of every Legislature of every State, which has heretofore ceded lands for any of these objects; and it is to be remarked, that Congress has never attempted to erect any of these buildings without the constitutional requisition of the consent of the States respectively. But if this term "needful buildings" had not been expressed in the constitution, I should not hesitate to admit with these gentlemen that the erection of light-houses and custom-houses might properly be deduced from the power to lay and collect taxes, duties, &c., which are particular grants of power enumerated in the constitution. Because custom-houses are appropriately necessary to the collection of duties, and have always been deemed indispensable for that object, as are light-houses to the due regulation of commerce.

These two powers are indispensably connected with, and subservient to, particular enumerated powers, and are therefore among the means which are necessary and proper for their effectuation; and as such are given to Congress by the express words of the constitution, which are: Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof." From this course of interpretation, the gentlemen, reasoning from a supposed analogy, have asked, if Congress can derive the right to erect light-

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houses and custom-houses from their necessary agency in effectuating the particular powers to which they are said to be appendant or appurtenant, why may it not in the same way derive the right of granting charters of incorporation for the same objects? Or, in other words, if Congress can constitutionally erect custom-houses for the purpose, or as the necessary means of collecting duties; why may it not establish a bank for the same object, &c.? The question is admitted to be a fair one; and if a clear distinction cannot be made in the two cases, it will be admitted either that Congress may constitutionally establish a bank, or that it has heretofore transcended its powers in erecting custom-houses, &c. A clear and most obvious distinction appears to me to exist in the cases suggested by the gentlemen to be analogous, arising from the striking difference in the nature and essential character of these powers. A custom-house is in its nature incidental and subservient to the collection of duties. It is one of the common, necessary, and proper means to effect that end. It is believed that in no commercial country in the world are duties collected without them. Besides, the erection of custom-houses does not involve in it the exercise of any other higher or consequential powers. The same remarks will apply to light-houses, as among the common, necessary, and proper means for the regulation of commerce, &c.

Is the incorporation of a bank of this character? It is not among the common, necessary, and proper means of effecting either of the foregoing enumerated powers, nor of any other enumerated in the constitution; still less is it incidental or subservient to any of the enumerated powers. It wants that connection, affiliation, and subserviency, to some enumerated power, which are clearly pointed out in relation to the two powers, to which it has been said to be analogous. Besides, does granting a charter of incorporation to a bank involve no other higher or consequential power than merely erecting a needful building for collecting duties, &c.? It certainly does. It involves the power to grant charters of incorporation generally; and in this respect, principally, its character is essentially different from both of the powers cited by the gentleman. The power to grant charters of incorporation is not an incidental, subordinate, subservient power; it is a distinct, original, substantive power. It is also susceptible of the clearest definition; and not being among the enumerated powers, it seems to me that Congress can have no fair claim to its exercise in any case. If Congress had been expressly authorized to grant charters of incorporation generally, then granting a charter of incorporation to a bank would have been an instance, or among the means, of carrying into effect that enumerated power, and would have been as much connected and affiliated with it as is the erection of custom-houses with the collection of duties; but the power to grant charters of incorporation generally not being expressly

given in the constitution, no particular instance involving the exercise of that power can be inferred by a fair and candid interpretation of the instrument. I do not mean to exaggerate the consequences which might result from an assumption of the power to grant charters of incorporation, &c. It is sufficient for me to say that it is a power of primary importance; that it involves as many incidental powers in its exercise as any one of the enumerated powers; that it is equal, if not paramount, to any; and, therefore, in my judgment, cannot be assumed by fair construction as incidental and subservient to any; and, of course, not as among the necessary and proper means for carrying any into effect. In fact, in its nature it does not in the smallest degree partake of the derivative, incidental character. It is original, substantive, distinct in itself, and susceptible of the plainest definition. Hence, whilst I am willing to admit that a power, which is in its nature incidental and subservient to any enumerated power, and also among the necessary and proper means for carrying it into effect, may be exercised by Congress without the express words of the constitution, I should be very unwilling to admit that Congress should also exercise a power neither incidental nor subservient to any of the enumerated powers, nor among the necessary and proper means for carrying any into effect; still less should I be inclined to this admission, when the power thus proposed to be derived, incidentally or constructively, involves in it the exercise of almost unlimited powers. To illustrate my idea still further in this respect, I would observe, that the power to regulate descents, and to regulate the distribution of intestates, I conceive to be original, distinct, substantive powers; and, being among the powers which could in all respects be limited by the geographical boundaries of the individual States, and were therefore among the powers reserved to the management of the States, might as easily be assumed by Congress as incidental to some one of the enumerated powers, as the assumption of the power to grant charters of incorporation, which I conceive was, for the same reason, left to the management of the States. I believe no gentleman will contend that Congress can, under any candid construction, go so far in relation to those powers; nor do I see how it can in relation to the power of granting charters of incorporation.

FRIDAY, February 15.

*Bank of the United States.*

The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the 25th day of February, 1791.

MR. CLAY.—Mr. President: When the subject involved in the motion now under consideration was depending before the other branch of the Legislature, a disposition to acquiesce in their decision was evinced. For although the

committee who reported this bill had been raised many weeks prior to the determination of that House on the proposition to re-charter the bank, except the occasional reference to it of memorials and petitions, we scarcely ever heard of it. The rejection, it is true, of a measure brought before either branch of Congress, does not absolutely preclude the other from taking up the same proposition; but the economy of our time, and a just deference for the opinion of others, would seem to recommend a delicate and cautious exercise of this power. As this subject, at the memorable period when the charter was granted, called forth the best talents of the nation—as it has, on various occasions, undergone the most thorough investigation, and as we can hardly expect that it is susceptible of receiving any further elucidation, it was to have been hoped that we should have been spared a useless debate. This was the more desirable because there are, I conceive, much superior claims upon us for every hour of the small portion of the session yet remaining to us. Under the operation of these motives, I had resolved to give a silent vote, until I felt myself bound, by the defying manner of the arguments advanced in support of the renewal, to obey the paramount duties I owe my country and its constitution; to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law. After my honorable friend from Virginia (Mr. GILES) had instructed and amused us with the very able and ingenious argument which he delivered on yesterday, I should have still forborne to trespass on the Senate, but for the extraordinary character of his speech. He discussed both sides of the question, with great ability and eloquence, and certainly demonstrated to the satisfaction of all who heard him, both that it was constitutional and unconstitutional, highly proper and improper to prolong the charter of the bank. The honorable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook in one instance the side of the cause on which he was retained, and addressed the court and jury in a very splendid and convincing speech in behalf of his antagonist. His distracted client came up to him whilst he was progressing, and interrupting him, bitterly exclaimed, "you have undone me! you have ruined me!"—"Never mind, give yourself no concern," said the adroit advocate; and turning to the court and jury, continued his argument by observing, "May it please your honors, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may urge on his side. I will now show you how fallacious his reasoning and groundless his pretensions are." The skilful orator proceeded, satisfactorily refuted every argument he had advanced, and gained his cause! A success with which I

trust the exertion of my honorable friend will on this occasion be crowned.

It has been said by the honorable gentleman from Georgia (Mr. CRAWFORD) that this has been made a party question, although the law incorporating the bank was passed prior to the formation of parties, and when Congress was not biased by party prejudices. [Mr. CRAWFORD explained. He did not mean that it had been made a party question in the Senate. His allusion was elsewhere.] I do not think it altogether fair to refer to the discussions in the House of Representatives, as gentlemen belonging to that body have no opportunity of defending themselves here. It is true that this law was not the effect, but it is no less true that it was one of the causes of the political divisions of this country. And if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles? Where is the Macedonian phalanx, the opposition in Congress? I believe, sir, I shall not incur the charge of presumptuous prophecy, when I predict that we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?

I shall not stop to examine how far a representative is bound by the instructions of his constituents. This is a question between the giver and receiver of the instructions. But I must be permitted to express my surprise at the pointed difference which has been made between the opinions and instructions of State Legislatures, and the opinions and details of the deputations with which we have been surrounded from Philadelphia. Whilst the resolutions of those Legislatures—known, legitimate, constitutional and deliberative bodies—have been thrown into the back ground, and their interference regarded as officious, these delegations from self-created societies, composed of whom nobody knows, have been received by the committee with the utmost complaisance. Their communications have been treasured up with the greatest diligence. Never did the Delphic priests collect with more holy care the frantic expressions of the agitated Pythia, or expound them with more solemnity to the astonished Grecians, than has the committee gathered the opinions and testimony of these deputies, and through the gentleman from Massachusetts, pompously detailed them to the Senate! Philadelphia has her immediate representatives, capable of expressing her wishes upon the floor of the other House. If it be improper for States to obtrude upon Congress their sentiments, it is much more highly so for the unauthorized deputies of fortuitous congregations.

The first singular feature that attracts atten-

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tion in this bill is the new and unconstitutional veto which it establishes. The constitution has required only, that after bills have passed the House of Representatives and the Senate, they shall be presented to the President for his approval or rejection, and his determination is to be made known in ten days. But this bill provides, that when all the constitutional sanctions are obtained, and when according to the usual routine of legislation it ought to be considered as a law, it is to be submitted to a new branch of the Legislature, consisting of the President and twenty-four Directors of the Bank of the United States, holding their sessions in Philadelphia, and if they please to approve it, why then it is to become a law! And three months (the term allowed by our law of May last, to one of the great belligerents for revoking his edicts, after the other shall have repealed his) are granted them to decide whether an act of Congress shall be the law of the land or not! An act which is said to be indispensably necessary to our salvation, and without the passage of which, universal distress and bankruptcy are to pervade the country. Remember, sir, that the honorable gentleman from Georgia has contended that this charter is no contract. Does it, then, become the representatives of the nation to leave the nation at the mercy of a corporation? Ought the impending calamities to be left to the hazard of a contingent remedy?

This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot whereupon to fasten, has been at length located by the gentleman from Georgia on that provision, which authorizes Congress to lay and collect taxes, &c. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money. The sagacious Secretary of the Treasury in 1791 pursued the wisest course—he has taken shelter behind general, high-sounding, and imposing terms. He has declared in the preamble to the act establishing the bank, that it will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, and will be productive of considerable advantage to trade and industry in general. No allusion is made to the collection of taxes. What is the nature of this Government? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication.

It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power we have seen an East India Company created, which has carried dismay, desolation, and death throughout one of the largest portions of the habitable world. A company which is, in itself, a sovereignty—which has subverted empires and set up new dynasties—and has not only made war, but war against its legitimate sovereign! Under the influence of this power, we have seen arise a South Sea Company, and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the constitution to doubtful inference? It has been alleged that there are many instances, in the constitution, where powers, in their nature incidental, and which would have necessarily vested along with the principal power, are nevertheless expressly enumerated; and the power “to make rules and regulations for the government of the land and naval forces,” which, it is said, is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects which are not specified in the constitution. If then you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is a mockery, worse than usurpation, to establish it for a lawful object, and then extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said that the great luminary of day is an accessory, a satellite to the humblest star that twinkles forth its feeble light in the firmament of heaven!

Suppose the constitution had been silent as to an individual department of this Government, could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and while it is engaged in this, the most inferior and subordinate of all its func-

tions, it is made to diffuse itself through society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice, you tell the man, whose turkey had been stolen, that your book of precedents furnishes no form for his case, but then you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount—to emit paper—to regulate commerce, &c. No! Our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, while occupied with that, you may do whatever else you please!

What is a corporation such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions and surrounded by immunities and privileges. The honorable gentleman from Massachusetts (Mr. LLOYD) has said that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the Government being pledged that no other bank should be authorized during its existence. This objection he supposes is obviated by the bill under consideration; but all corporations enjoy exclusive privileges—that is, the corporators have privileges which no others possess; and if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one.

I contend that the States have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If Congress have the power to erect an artificial body and say it shall be endowed with the attributes of an individual—if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of State rights, confer upon slaves, infants, and femes covert, the ability to contract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one, in the heart of a State, the basis of whose capital is money. You may erect others whose capital shall consist of land, slaves, and personal estate, and thus the whole property within the jurisdiction of a State might be absorbed by these political bodies. The existing bank contends that it is beyond the power of a State to tax it, and if this pretension be well founded, it is in the power of Congress, by chartering companies, to dry up the whole of the sources of State revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction, but this law, now under a course of litigation, is considered as invalid. The United States own a great deal of land in the State of Ohio; can

this Government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, I believe, in that State, to hold real estate—could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will hardly be insisted upon; and yet there exists a more obvious connection between the undoubted power, which is possessed by this Government, to sell its land, and the means of executing that power, by increasing the demand in the market, than there is between this bank and the collection of a tax. This Government has the power to levy taxes—to raise armies—provide a navy—make war—regulate commerce—coin money, &c. It would not be difficult to show as intimate a connection between a corporation, established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.

Let us inquire into the actual participation of this bank in the collection of the revenue. Prior to the passage of the act of 1800, requiring the collectors of those ports of entry, at which the principal bank or any of its offices are situated, to deposit with them the custom-house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the period to which the existence of this institution was limited, it was noways instrumental in the collection of that revenue, to which it is now become indispensable! The collection, previous to 1800, was made entirely by the collectors; and even at present, where there is one port of entry, at which this bank is employed, there are eight or ten at which the collection is made as it was before 1800. And, sir, what does this bank or its branches when resort is had to it? It does not adjust with the merchant the amount of the duty, nor take his bond; nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact, it has no active agency whatever in the collection. Its operation is merely passive; that is, if the obligor, after his bond is placed in the bank, discharges it, all is very well. Such is the mighty aid afforded by this tax-gatherer, without which the Government cannot get along! Again, it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is, duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the farmer did not obtain the same indulgence which the merchant receives in paying duties. But what obliges Congress to give credit at all? Could it not demand prompt payment of the duties? And in fact does it not so demand in many instances? Whether credit is given or not, is a matter merely of discretion. If it be a facility to mercantile operations (as I presume it is) it ought to be granted. But I deny the

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right to ingraft upon it a bank, which you would not otherwise have the power to erect. You cannot create the necessity of a bank, and then plead that necessity for its establishment. In the administration of the finances, the bank acts simply as a payer and receiver. The Secretary of the Treasury has money in New York and wants it in Charleston; the bank will furnish him with a check, or bill, to make the remittance, which any merchant would do just as well.

I will now proceed to show by fact, actual experience, not theoretic reasoning, but by the records themselves of the Treasury, that the operations of that department may be as well conducted without as with this bank. The delusion has consisted in the use of certain high-sounding phrases, dexterously used on the occasion. "The collection of the revenue"—"The administration of the finance"—"The conducting the fiscal affairs of the Government," the usual language of the advocates of the bank, extort express assent, or awe into acquiescence, without inquiry or examination into its necessity. About the commencement of this year there appears, by the report of the Secretary of the Treasury of the 7th of January, to have been a little upwards of two millions four hundred thousand dollars in the Treasury of the United States; and more than one-third of this whole sum was in the vaults of local banks. In several instances, where an opportunity existed of selecting the bank, a preference has been given to the State bank, or at least a portion of the deposits has been made with it. In New York, for example, there was deposited with the Manhattan Bank \$188,670, although a branch bank is in that city. In this District, \$115,080 were deposited with the bank of Columbia, although here also is a branch bank, and yet the State banks are utterly unsafe to be trusted! If the money, after the bonds are collected, is thus placed with these banks, I presume there can be no difficulty in placing the bonds themselves there, if they must be deposited with some bank for collection, which I deny.

Again, one of the most important and complicated branches of the Treasury Department is the management of our landed system. The sales have some years amounted to upwards of half a million of dollars, are generally made upon credit, and yet no bank whatever is made use of to facilitate the collection. After it is made, the amount in some instances has been deposited with banks, and according to the Secretary's report, which I have before adverted to, the amount so deposited was in January upwards of three hundred thousand dollars, not one cent of which was in the vaults of the Bank of the United States, or in any of its branches, but in the Bank of Pennsylvania, its branch at Pittsburg, the Marietta Bank, and the Kentucky Bank. Upon the point of responsibility, I cannot subscribe to the opinion of the Secretary of the Treasury, if it is meant

that the ability to pay the amount of any deposits which the Government may make under any exigency, is greater than that of the State banks; that the accountability of a ramified institution, whose affairs are managed by a single head, responsible for all its members, is more simple than that of a number of independent and unconnected establishments, I shall not deny; but, with regard to safety, I am strongly inclined to think it is on the side of the local banks. The corruption or misconduct of the parent, or any of its branches, may bankrupt or destroy the whole system, and the loss of the Government in that event will be of the deposits made with each; whereas in the failure of one State bank the loss will be confined to the deposit in the vaults of that bank. It is said to have been a part of Burr's plan to seize on the branch bank at New Orleans. At that period large sums, imported from La Vera Cruz, are alleged to have been deposited with it, and if the traitor had accomplished his design, the Bank of the United States, if not actually bankrupt, might have been constrained to stop payment.

It is urged by the gentleman from Massachusetts, (Mr. LLOYD,) that as this nation progresses in commerce, wealth, and population, new energies will be unfolded, new wants and exigencies will arise, and hence he infers that powers must be implied from the constitution. But, sir, the question is, shall we stretch the instrument to embrace cases not fairly within its scope, or shall we resort to that remedy, by amendment, which the constitution prescribes?

Gentlemen contend that the construction which they give to the constitution has been acquiesced in by all parties, and under all administrations; and they rely particularly on an act which passed in 1804, for extending a branch to New Orleans, and another act, of 1807, for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed nodoubt upon the recommendation of the Treasury Department, I would remark, that it was the extension of a branch to a Territory, over which Congress possesses power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted. As to the other act, it was passed no less for the benefit of the community than the bank—to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire what they would have had those to have done who believed the establishment of the bank an encroachment upon State rights? Were they to have resisted, and how? By force? Upon the change of parties, in 1800, it must be well recollected that the greatest calamities were predicted as consequences of that event. Intentions were ascribed to the new occupants of power of violating

the public faith and prostrating national credit. Under such circumstances, that they should act with great circumspection was quite natural. They saw in full operation a bank, chartered by a Congress who had as much right to judge of their constitutional powers as their successors. Had they revoked the law which gave it existence, the institution would, in all probability, have continued to transact business notwithstanding. The Judiciary would have been appealed to; and, from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding Legislature. And, sir, what a scene of confusion would such a state of things have presented—an act of Congress, which was law in the statute book, and a nullity on the judicial records! Was it not wisest to wait the natural dissolution of the corporation, rather than accelerate that event by a repealing law involving so many delicate considerations?

When gentlemen attempt to carry this measure, upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice, the utility of uniformity of decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation and administration of the law, this practice is wise and proper; and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far otherwise when applied to the source of legislation. Here no rule exists but the constitution; and to legislate upon the ground merely that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and perpetuate usurpation. But if we are to be subjected to the trammels of precedents, I claim, on the other hand, the benefit of the restrictions under which the intelligent judge cautiously receives them. It is an established rule, that to give to a previous adjudication any effect, the mind of the judge who pronounced must have been awakened to the subject, and it must have been a deliberate opinion formed after full argument. In technical language, it must not have been *sub silentio*. Now, the acts of 1804 and 1807, relied upon as pledges for the re-chartering this company, passed not only without any discussions whatever, of the constitutional power of Congress to establish a bank, but I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the Senate when the latter law passed; probably voted for it; and I declare, with the utmost sincerity, that I never once thought of that point; and I appeal confidently to every honorable member who was then present to say if that was not his situation.

This doctrine of precedents, applied to the Legislature, appears to me to be fraught with the most mischievous consequences. The great

advantage of our system of government over all others is, that we have a written constitution defining its limits and prescribing its authorities; and that, however for a time faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when calmly retracing their deeds, and all aberrations from fundamental principle will be corrected. But once substitute practice for principle, the expositions of the constitution for the text of the constitution, and in vain shall we look for the instrument in the instrument itself. It will be as diffused and intangible as the pretended constitution of England; and it must be sought for in the statute book, in the fugitive journals of Congress, and in reports of the Secretary of the Treasury. What would be our condition if we were to take the interpretations given to that sacred book, which is or ought to be the criterion of our faith, for the book itself? We should find the Holy Bible buried beneath the interpretations, glosses, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin than of a vindictive spirit of hostility towards each other. They ought to afford us a solemn warning to make that constitution, which we have sworn to support, our invariable guide.

I conceive, then, sir, that we are not empowered by the constitution nor bound by any practice under it, to renew the charter of this bank and I might here rest the argument. But, as there are strong objections to the renewal upon the score of expediency, and as the distresses which will attend the dissolution of the bank have been greatly exaggerated, I will ask your indulgence for a few moments longer. That some temporary inconvenience will arise, I shall not deny; but most groundlessly have the recent failures in New York been attributed to the discontinuance of this bank. As well might you ascribe to that cause the failures of Amsterdam and Hamburg, of London and Liverpool. The embarrassments of commerce, the sequestration in France, the Danish captures—in fine, the belligerent edicts, are the obvious sources of these failures. Their immediate cause is the return of bills upon London, drawn upon the faith of unproductive or unprofitable shipments. Yes, sir, the protests of the notaries of London, not those of New York, have occasioned these bankruptcies.

The power of a nation is said to consist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars; and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to our liberties? By whom is



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this immense power wielded? By a body who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this Government, would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven-tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly upon the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English Premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other nations, ought most studiously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free Government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital. If we could have its use, without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic, will have a proportionate influence. It is argued, that our possession of this English capital gives us a certain influence over the British Government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better at once exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the arguments of gentlemen on the other side. But let us put aside this theory, and appeal to the decisions of experience. Go to the other side of the Atlantic, and see what has been achieved for us there by Englishmen holding seven-tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the Orders in Council—those orders which have given birth to a new era in commerce? In spite of all its boasted effects, are not the two nations brought to the very brink of war? Are we quite sure that, on this side of the water, it has had no effect favorable to British interests. It has often been stated, and, although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against British aggression?

The Duke of Northumberland is said to be the most considerable stockholder in the Bank of the United States. A late Lord Chancellor

of England, besides other noblemen, was a large stockholder. Suppose the Prince of Essling, the Duke of Cadore, and other French dignitaries owned seven-eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the Senate) to re-charter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall give my most hearty assent to the motion for striking out the first section of the bill.

Mr. POPE.—Mr. President, in rising on this occasion, I never more entirely obeyed both my feelings and my judgment. The principle involved in the decision about to be given, is in my view of more magnitude than any which has been presented for our consideration since I had the honor of a seat here. It is no less than whether we shall surrender to the State Governments the power of collecting our revenue and rely upon the old system of requisitions. We are called upon to return to that state of imbecility and chaos from which this political fabric was reared by the wisdom and patriotism of the first statesmen of which any age or nation can boast. For twenty years we have collected our revenue, borrowed money, paid our debts, and managed our fiscal concerns through the agency of a national bank. That it has answered the most sanguine expectations of its authors; that it has been well managed, is admitted by the most decided opponents to the renewal of the charter. Although in public debate, in newspapers, court-yards, muster-fields, &c., we have heard much of dangerous powers, violations of the constitution, British influence, and poisonous vipers, &c., &c., which were to sting to death the liberties of the people, yet we find ourselves as free almost as the air we breathe, and hardly subservient to the mildest code of laws by which any nation was ever governed. In the city of Philadelphia, and the State of Pennsylvania generally, where these animals called banks have grown to the most enormous size, we find as sound morals, and as much real practical republicanism, as in those parts of the Union where the rattling of this viper's tail has never been heard, and in point of solid wealth and internal improvements, mark the contrast. We are required to disregard the lessons of that best teacher, experience, and to try some new scheme. However captivating new theories and abstract propositions were a few years since, I believe the thinking men of all parties in the nation are perfectly convinced that one ounce of experience and common matter-of-fact sense is worth more for the purposes of legislation than a ship-load of theory and speculation. We are told that we must force into the vaults of the bank a large portion of the circulating medium, and thereby depress the price of every thing in the market; we must give a shock to credit of every kind, check and embarrass every branch of agricultural, commercial, and manufacturing industry;

give up the young mechanics, manufacturers, and merchants with small capitals a prey to the cupidity of moneyed men, who will be tempted to withdraw their funds from trade to speculate on the wrecks of the unfortunate. This is not mere matter of calculation. I only state facts proved to us by the most unquestionable evidence. We are not only, sir, to ruin many innocent and unoffending individuals, but to derange the national finances; and for what is all this to be done? To promote the public good or advance the national prosperity? No, sir, it is not pretended. We are gravely told, that we, the Representatives of the people, must sacrifice the people to save the constitution of the people, whose happiness and welfare it was intended to secure. If this be true, it is indeed a strange Government under which we live. I advance the opinion with confidence, that no principle which, in its practical effects, outrages the common sense and feelings of mankind, can be a sound one, and we ought to examine it well, and hesitate much before we give our assent. To bring distress on the country, not to prevent a violation of any positive provision of the constitution; but to correct what we suppose to have been an erroneous construction of it by our predecessors, of which neither the States nor the people have ever complained, appears to be more nice than wise.

Disguise this question as you will, sir, and still it will clearly appear to be a contest between a few importing States and the people of the United States. Resolutions have been already laid on our table by gentlemen from the two large States; from which instructions have been received in substance, requiring Congress to give up to the State banks the collection of the national revenue. I am, Mr. President, on the side of the people of the United States. This is indeed a question of party, but of a very different character from that which will be attempted to be palmed on the people. It is a contest between the friends and enemies of the Federal Constitution revived; for, if I am not mistaken, the power of laying and collecting imposts and duties was strongly objected to by some of the large States having advantageous seaports, before the constitution was adopted. I am for preserving both the States and the Union. I consider the safety and independence of the several States, and the liberties of the people, inseparably connected with and dependent on the efficiency of the National Government, and it is to me unaccountable that gentlemen in favor of strong measures against foreign nations should be so solicitous to strip the General Government of this very essential part of its power. We were told, a few days since, that our army was so insignificant and contemptible, that it would require a constable, with a search warrant, to find it. I have heard another gentleman of very high standing suggest the propriety of retroceding the ten miles square to the States of Virginia and Maryland. Our gunboats are almost rotten. We have not

more frigates and other armed vessels than sufficient to carry our Ministers and diplomatic despatches to foreign courts, and if we yield to the States the collection of our revenue, what will remain of the Federal Government with which the people can identify their feelings or affections? In what will this Government consist? It will be a mere creature of the imagination—a political fiction. And, analogous to the fiction in the action of ejectment, we shall have to suppose its existence, and then bottom our proceedings upon that supposition. If I was hostile to our Federal Union, or wanted to prepare the public mind for a surrender of this happy system of Government, I would join in the hue and cry against this institution; I would support every measure calculated to destroy all confidence in and respect for this Government, both at home and abroad; I would endeavor to produce throughout the country, confusion and disorder, and a state of glorious uncertainty; then persuade the people to seek security and tranquillity under some other form of Government. The transition from a wild, factious democracy, to despotism, is often easy, and generally sudden. The extremes are very nearly allied. A Republican Government, guided by the virtue and intelligence of a nation, is the first of human blessings, but when directed by the angry, vindictive passions of party, the worst of which the imagination can conceive. A republic, to be durable, must inspire confidence and respect. Such instability, such variable, unsettled policy as now appears to be the order of the day, could not have been anticipated by any man blessed with a tolerable degree of faith in the success of this great republican experiment. Mr. President, I have ever been opposed to yielding to the commercial interest an undue influence in this Government, but I am unwilling to make an unnecessary and wanton attack upon them. Coming from an agricultural State, I am not disposed to increase the jealousies which unfortunately exist, and thereby weaken the ties by which these States are held together. I am sensible, too, how much the prosperity of the State I represent depends on a prosperous state of trade, and although the shock from the dissolution of this bank will be first felt in the commercial cities, it must immediately react to the extremes of the empire. I know many are under an impression that Federalists and British agents are to be the victims; but very different will be the result. I refer to the evidence detailed by the honorable gentleman from Massachusetts, (Mr. LLOYD.) But is it possible that an intolerant spirit of party has prepared us for this? Are gentlemen ready to injure their country, weaken our Federal Union, the sheet-anchor of our political safety, to reach their political opponents? I will not believe it. When I see around me some of the soldiers of the Revolution, actuated I am sure by nobler views; when I see the professors of a religion which teaches us to love our neighbors as ourselves, I cannot persuade

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myself that Christian charity, and all the noble, generous feelings of the human heart, are extinguished by this demon, party spirit. If there be a man in the nation who can witness with unfeeling apathy the distresses of his fellow-citizens, he would have figured in Smithfield in the bloody reign of Queen Mary of England, in binding heretics to the stake; or in the sanguinary time of Robespierre, in adding victims to the guillotine; but he is unworthy the blessings of a free Government.

Sir, I address the Senate under circumstances discouraging indeed. I have been told, and on this floor, that debate is useless; that no man's opinion is to be changed; that I shall find verified in the decision of this question the sentiment contained in two lines of Hudibras—"He that is convinced against his will, is of the same opinion still." I cannot admit this. I know there are gentlemen fully sensible of the evils about to befall their country, without any obstinate pride to conquer, who would rejoice at being convinced it is in their power to avert them. Let me entreat them to pause and reflect, before they inflict a wound on their country's interest, under the influence of constitutional doubt; and if they err, I would ask them, would it not be more safe and patriotic to err in favor of the people? Permit me now, sir, to redeem this subject from the constitutional difficulties with which it has been encumbered.

To form a correct opinion, we must retrospect the defects of the old Government, and ascertain the remedy which was anticipated in the present constitution. I believe it will be conceded that the great cause of the inefficiency of the former, was not because their principal field of legislation was too limited, but was owing to its dependence on the States for the means to carry their powers into effect. For the truth of this position, I appeal to the history of that day—to the candor of gentlemen who hear me. The present constitution was framed for national purposes, with ample authority to pass all laws necessary and proper for the attainment of its objects, independent of State authority, except so far as expressly made dependent by the constitution. The erroneous impressions with regard to this bank have arisen from ignorance of facts, relative to the practical fiscal operations of the Government, and from confounding an original, independent power, to establish banks and corporations, with a necessary auxiliary to the execution of the powers given. By the constitution it is expressly declared, that Congress shall have power to pass all laws necessary and proper to carry into effect the powers previously enumerated, and all other powers vested in the Government of the United States, or any department or officer thereof. Our power to create a bank is not derived by implication. No, sir. If this express delegation of power had not been inserted, we must have implied the authority to provide the means necessary and proper, &c.

But the Convention, with a full knowledge of the defects of the old Confederation, and deeply impressed with the necessity of an efficient national Government, determined to exclude all doubt by granting to the new Government, in express and unequivocal language, ample authority to use all means necessary and proper for the attainment of the ends for which it was instituted. If a man was requested to look at the constitution and decide whether power is given to Congress to create a bank, or corporations generally, he would answer in the negative. This would very naturally be the answer of most men upon the first blush of the constitution. It is not pretended that Congress have power to create corporations as an independent proposition. The authority to establish a bank or corporations is only contended for so far as it can be fairly considered as a necessary and proper auxiliary to the execution of the powers granted by the constitution. The question of constitutionality depends upon facts, dehors the instrument, of which we must be informed before we decide, and which could not be ascertained before the attempt was made to give motion and energy to this political machinery. If the fact be ascertained, by the best evidence the nature of the subject affords, that a bank is necessary and proper to effectuate the legitimate powers of Government, then our power is express, and we need not resort to implication. To prove to the satisfaction of the Senate and the world, this material fact, will be my business before I request their assent to the position assumed, that Congress have an express power to incorporate a bank. To do this it is indispensable that we should understand the practical financial concerns of the Government, or have the information of those who do. We appropriate money for fortifications on the report of our engineer, Colonel Williams, and for the Capitol, &c., upon the report of Mr. Latrobe. To know how much timber or other materials are necessary for a ship or a house, you must understand the subject yourself, or have the information of those who do. For myself, I am ready to admit that I rely much upon the information and experience of others. To ignorant men, and those who do not profess to be fully acquainted with the nature and management of the national finances, the following evidence is presented. The first, and with many, perhaps the best, not heretofore particularly noticed, which I shall offer, is the Congress of 1781, which established a national bank, called the Bank of North America, during our revolutionary struggle, the utility and necessity of which were ascertained by the experience of that day.

It is worthy of remark, that they created a bank under powers much more limited than ours. That act was not passed precipitately, but was the result of the most mature and deliberate consideration. I beg leave to read the preamble of the law which contains the opinions of that Congress with regard to the utility

and necessity of a National Bank. "Whereas Congress, on the 26th day of May last, did, from a conviction of the support which the finances of the United States would receive from the establishment of a National Bank, approve a plan for such an institution, submitted to their consideration by Robert Morris, Esq., and now lodged among the archives of Congress, and did engage to promote the same by the most effectual means; and whereas the subscription thereto is now filled, from an expectation of a charter of incorporation from Congress, the directors and president are appointed, and application has been made to Congress by the said president and directors, for an act of incorporation: and whereas the exigencies of the United States render it indispensably necessary that such an act be immediately passed—Be it therefore ordained," &c. This act passed on the 31st day of December, 1791. And here permit me to observe, that this National Bank, styled the Bank of North America, was not produced by British influence or party spirit. No, sir, the little, slandering, intriguing partyism of the present moment was unknown to the patriots of that awful period. They had no party but their country—liberty and independence were their objects. Their souls were fired with a noble, a generous enthusiasm, on which Heaven looked down with pleasure. It appears from the journals of the Congress of 1781, that the members from every State were unanimous in favor of a National Bank, except Massachusetts, Pennsylvania, and Virginia—the two members from Massachusetts voted against it, the two members from Pennsylvania were divided—of the four from Virginia, Mr. Madison alone voted against it. Here it is evident that, in the very infancy of our Republic, before indeed it could with propriety be said to be born, when every bosom glowed with enthusiasm for liberty and a pure disinterested patriotism, a National Bank was not thought that dangerous, dreadful monster, which the very wise and exclusive patriots of 1811 are endeavoring to represent it to the American people. And the construction given to the grant of powers in the Articles of Confederation by the Congress of 1781, is strong evidence of our right to establish a bank under a grant of powers much more ample, and with money concerns vastly more extensive and complicated.

The next evidence I shall adduce for the consideration of the Senate, is the opinion of the late General Hamilton, appointed by President Washington, the first Secretary of the Treasury; whose province and duty it was to superintend the national finances. His attention was therefore particularly directed to the subject, and, in a very able report to the first Congress, assembled under the new constitution, he recommended a National Bank. Although opinions have been imputed to this gentleman very foreign to my feelings and notions about Government, yet he has ever been acknowledged, by the candid and liberal of all parties, one of the

first American statesmen. For reasons, which it is unnecessary for me to assign, I will not press his opinion upon the attention of the Senate, but will introduce other and perhaps less exceptionable testimony. The Congress of 1791, which incorporated the present bank, merits the highest regard. It was composed of the most enlightened and distinguished men in America, many of whom had been members of the convention, and were fully apprised of the defects of the old and the objects of the new Government. A large majority of both branches voted in favor of the bank. They were not divided on the question by party. Many who have continued with the Republican party under every Administration voted in favor of this bank. Although different speculative or abstract political opinions were then entertained, yet the spirit and passion of party had not diffused itself so generally through the nation as at a subsequent period. The next authority in favor of this bank, and one which must at all times and on all occasions command the highest respect, is no less than our immortal Washington. He was President of the United States in 1791, when this bank law passed. After it had received the sanction of both branches of the Legislature, with that circumspection and prudence which regulated his conduct through life, he consulted the able men who composed his Cabinet Council on the constitutional question; they differed in opinion; he heard their arguments for and against the measure; and, after full consideration, approved the law. I cannot yet, sir, take leave of this very important testimony in favor of the bank. The opinion of our Washington has the strongest claim to our confidence. Let us pause before we disregard his solemn advice. This is the hero who led our armies to victory; this is the Washington, who, at the close of our Revolutionary war, disbanded a disciplined army in the bosom of the Republic, and voluntarily exchanged the splendid robes and ensigns of military power for the plain, humble garb of a private citizen. This Washington, who continued an American, a Republican in heart and in sentiment, until summoned to the mansions of bliss; yea, sir, this illustrious departed hero, this practical statesman, has solemnly declared to the American people that a National Bank is a necessary and proper auxiliary to the execution of the national powers. The last authority I shall particularly notice in support of this institution, is the opinion of the present Secretary of the Treasury, Mr. Gallatin. If this gentleman cannot boast of the military laurels which have adorned the brows of the patriots I have mentioned; as a statesman and faithful public servant, he stands inferior to none. Mr. Gallatin, from his first appearance on the theatre of public life, has been considered by all parties an able financier. At a very early period the finances of the United States became the subject of his particular attention and inquiry; the result of which was a treatise, published in 1796,

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called "Gallatin, on the finances of the United States," in which he gives a decided opinion in favor of this bank. I rely much on his opinion at that period, because it must have been the result of conviction, and not of any party feeling or consideration, as he was then in the minority, and continued in it until the Administration changed. His report to the Senate during the last session of Mr. Jefferson's Administration, and his letter to the committee, show, that time and experience, so far from changing, have confirmed him in the opinion he first formed on the subject; to which I might add every Administration and almost every man practically acquainted with our money concerns. Is not this mass of evidence sufficient to substantiate the facts upon the existence or non-existence of which the constitutionality of this measure depends? I put the question to the candor and good sense of gentlemen, whether they are not satisfied, in the language of the constitution, that a National Bank is necessary and proper to effectuate the legitimate powers of the National Government? If they answer in the negative, I can only say, he who will neither regard the suggestions of experience, nor believe the report of the great political disciples who have gone before us, would not believe though one were to rise from the dead. And what is the answer to all this out of doors? Why, that we are not to be governed by the information or opinion of others, however well acquainted with the subject; we are so self-sufficient as to disregard the best lights which can be presented to us. The cry is up to the hub, down with the bank, huzza for the party! So long, Mr. President, as I shall be honored with a seat in the Senate of the Union, I am determined to respect my station and my own feelings and character too much to be driven along by any such idle, ridiculous clamor.

As I heard much said about absolute, indispensable necessity, I may be pardoned for giving what I consider the sound interpretation of the words "necessary and proper" in the constitution. This idea of absolute, indispensable, &c., must have originated in an excessive jealousy of power or a decided hostility to the Federal Union. This instrument was framed by and for the people of the United States, and, in the language used, was certainly intended to be understood in that sense in which it is used and understood by them generally. If you ask a plain man what are the necessities of life, he will answer, something below luxury and extravagance, what is calculated to afford him reasonable comfort. Neither a house nor a bed is absolutely or indispensably necessary to a man's existence; he could live in a camp and sleep on boards, or on the ground, yet, the common sense of mankind would respond, they are necessary and proper. If a man had a journey to make, either to Richmond, in Virginia, or Lexington, in Kentucky, although every person would pronounce a coach and six superfluous and unnecessary, all reasonable men would

say, he ought to have a horse or a hack, but it will not be pretended that either are indispensable, because he could perform it on foot. If a gentleman from Baltimore gives his agent instructions to provide every thing necessary for an East India voyage, what would he expect? Certainly that he should avoid unnecessary expense, but would consider him acting within the pale of his authority if he procured only what was reasonably necessary and proper, or, in other words, what was fairly suited to the master and crew, and well calculated to enable the vessel to reach her port of destination. That interpretation is correct which best accords with the common sense and understanding of mankind. It must, therefore, be evident that the only question as regards the constitutionality of the measure to be decided is a question of fact, and that is, whether a National Bank is reasonably necessary and proper, or fairly suited to, and calculated for, the collection of our revenue and the management of our money concerns. And this fact appears to be admitted by the gentlemen opposed to the bill, for their arguments are predicated upon the probability that the State banks will answer the national purposes. This is a complete surrender of the constitutional objection; for, if banks be necessary and proper, it follows that we have a constitutional power to create them, and it will be a mere question of expediency whether we will use State banks or a National Bank. My colleague (Mr. CLAY) has asked for the congeniality between a bank and the collection of our revenue? The argument in favor of using State banks shows it, but let the use hitherto made of the bank answer the question. Is not a bank a proper place for the deposit and safe-keeping of money—more so than the custom-house? Is it not a convenient agent for paying and receiving money? Through the agency of this bank our revenue, or the greater part of it, has been collected, our financial transactions done, and public money transmitted to such places as the necessities of the Government required. The revenue collected at Boston, Baltimore, or any other port, is paid, if required, at New Orleans, Natchez, St. Louis, or any other place without risk or expense. The money in the bank and its branches is payable at such of them as the convenience of the Government may require, and, by this arrangement, we can command the whole of the public money in any quarter of the Union without risk or expense. The operations of this institution have been confined to the seaboard. The principal bank is at Philadelphia, with a branch at New York, Boston, Baltimore, Washington, Norfolk, Charleston, Savannah, and New Orleans. At all which places, the Government has considerable revenue to collect. No branches have been extended into the interior. It has been connected with our fiscal arrangements at all the places to which it has been extended, and may be fairly deemed a convenient, necessary, and appropriate auxiliary to the management of the national concerns. It is

said that the revenue is collected at many ports where none of these branches are placed. This is true; the bank and branches are fixed only at the principal seaports, where a large amount of revenue is collected. Every one draws into its vaults, subject to the demands of Government, the revenue collected at the less important ports in the same quarter of the country. Boston being the commercial emporium of New England, the Government, by the agency of the branch bank there, is enabled to draw to that point most of the revenue received at the numerous ports in that quarter of the Union. The repeated sanctions this bank has received from the different Administrations, and especially from Mr. Jefferson and the Republican party, by authorizing the extension of a branch to New Orleans, and selling one million of the stock, the property of the United States, to British subjects, for four hundred thousand dollars more than the nominal amount, is indeed strangely accounted for; gentlemen say the Government were bound to fulfil their engagements, and that the charter, being in the nature of a contract, was sacred. I had thought the fashionable doctrine was, that an unconstitutional law was wholly null and void. It has been held by some of the States. However plausible the answer to the argument of acquiescence, it furnishes no apology for a positive confirmation. Permit me to assimilate a common case between individuals to the case before us: a man in Washington executes a joint power to five trustees in Kentucky to collect his debts, settle his land business, &c., and authorizes them to take all steps necessary and proper to effectuate the trust or power; in the progress of the business a measure is suggested as necessary, about which there is a diversity of opinion among the trustees. A majority, however, decide that it is within their authority; the principal is informed of it, does not complain or disavow, but positively and by the strongest implication assents to the construction given by his agents. In such a case there would be but one opinion. In 1791 a National Bank is proposed to Congress; they differ as to the constitutionality, a large majority decide in favor of it, the people and the States are informed of the measure, the States do not protest, nor do the people complain; many of the States pass laws to protect the institution, it receives the confirmation of three or four different Administrations, and particularly of the one composed of men originally opposed to it; it violates no positive provision of the constitution; no mischiefs have been produced, but great convenience and advantage have been experienced by the Government and community. I ask whether, under such circumstances, the question ought not to be considered settled? Is no respect due to the opinions of our predecessors? Is a question of construction never to be at rest? Why is a judge, sworn to support the laws and constitution of the country, bound by a train of decisions contrary to his own opinions? Because

the good, the peace, the tranquillity of society require it. The conduct of a court, as well as every department of Government, must be regulated in its course in some measure by a regard for the public weal. It is worthy of remark that, notwithstanding all the fuss about implied and incidental powers—if you except the sedition law, which was supposed to violate a positive provision of the constitution—the same practical construction has been given to this instrument by every Administration of the Government. Indeed, the sphere of national legislation has been more enlarged under Mr. Jefferson's than any other Administration. All parties have found that the national vessel could not be navigated without sails, rigging, and every thing necessary and proper. Whence was derived a power to pass a law laying an embargo without limitation? There is nothing in the constitution about embargoes. Whence did we derive a power to purchase Louisiana, and incorporate it with the good old United States? There is no express delegation of power to purchase new territory. On these subjects the constitution is silent. I have approved both. No State can lay an embargo, or acquire new territory. Our power to perform these acts results from the nature of the national sovereignty created by this constitution. The Republican Administrations have no pretensions to the approbation of the people on the ground of having restrained any latitude or liberality of construction. Their claim to the public confidence is founded on very different considerations. They have repealed the internal taxes, paid a large part of the public debt, purchased Louisiana, and preserved to the nation the blessings of peace. For these acts, they have, I believe, the thanks of the nation. They have mine, most sincerely.

Great stress is placed on the twelfth article of the amendments to the constitution, which declares the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. I must confess that I cannot discover what influence this can have on the bill under consideration, or any other measure which may be proposed. It appears to me to have been adopted rather to quiet State jealousies and popular fears than with a view to produce any positive effect, for the inquiry must ever be, Is the power given? And if granted, it is not retained. The supporters of this bill do not pretend to usurp any power retained by the States or the people, but contend that the power to pass the bill is expressly delegated, if the facts assumed are true.

It is not pretended that our fiscal concerns can be managed with gold and silver. If our territory was of no greater extent than Rhode Island, Delaware, or the city of Philadelphia, gold and silver would answer the purposes of the Government, but it would require a number of pack horses and wagons to transport the public money in gold and silver, over this immense

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country, to the different places where it is wanting. Our extensive commerce, and the great extent of this empire, renders a paper medium necessary. Is the power to create this paper medium, or national currency, an attribute of State or national sovereignty? I put the question to the candor of gentlemen, and solicit a serious answer! The argument of my honorable friend from Georgia against the power of the States to authorize the emission of bank paper, founded on that part of the constitution which declares that "No State shall emit bills of credit," acquires great additional force, when these bills of credit are made to assume the character of money, for national purposes. In the same article the power to coin money is expressly prohibited to the States, and in the catalogue of cardinal powers granted to this Government, is that to coin money. It will, perhaps, be contended that this only applies to gold and silver, but if that be admitted to be the literal meaning of the words, still it is evident that what shall be the national currency, whether specie or paper, is a proper subject of national legislation. No gentleman will be so absurd as to insist that any State or States ought to coin the current money of the United States. That the power of the States to establish banks may be questioned with at least great plausibility, is perfectly clear, but as this banking power has been so long exercised, as the National and State banks have conducted their operations very harmoniously, as no serious evils call for national interference, I am not for disturbing the existing state of things; it is better, perhaps, that the banking power should be divided between the States and the United States. That bank paper, if good, is in fact money, although not made a legal tender, cannot be denied. The currency of this bank paper of the United States, although made by law receivable in payment of revenue, rests upon a much better foundation than an act of Congress. Its national character, the extended operations of this bank from Boston to New Orleans, have given it credit with the people of every part of the empire, more than the bank paper of any particular State can be expected to have; so that, by common consent, this money coined by the national bank has become the current money of the United States. I hope we shall never be driven to the necessity of compelling our citizens by law to receive our paper. We should so guard and regulate our banking operations as to make the national paper at least equal to gold and silver, in every quarter of the Union.

If this bank is removed, the Secretary of the Treasury must nationalize the bank paper of the great importing States; for, I presume, Congress will never decide what State paper shall be used by the officers of the General Government. Most of the public money is now collected and deposited in the Bank of the United States; if that is destroyed, the Secretary of the Treasury is to deposit in the State banks, and with him is the power of selection—a power

and patronage greater than any ever exercised by any officer in this nation. The deposits of the public money are sought after with great avidity, by all the State institutions. He can deposit the whole in one, or divide it between two, or three, or all the banks in any one place. He can change them at pleasure. He may, with great apparent fairness and propriety, make it a condition with every bank where deposits are made that they shall appoint a certain portion of the directors of his nomination, and through them he can reach the credit of any man who may have accommodations in it. It is true we have now a man at the head of the Treasury who may not be disposed to abuse this power, but we may not always have such an officer. This immense power and influence may be exercised in an invisible manner, and, of course, without responsibility. Is this republican? It was not a few years ago. I have always understood that one of the strongest and most popular objections to the Federal Administration was their disposition to increase Executive patronage.

Although this subject has received much false coloring through the country, by charges of British influence, &c., I did not expect to hear it from an honorable senator of the United States—it has not indeed been positively asserted, but hinted in such a manner as to make an impression on the community. Some stale circumstances connected with the British treaty have been very unnecessarily lugged in to increase the prejudices against this bill. It has been insinuated, that British influence, operating through this institution, has prevented the Government from taking strong measures against Great Britain; but in what manner this has been effected, gentlemen have not been good enough to explain. Did it prevent Mr. Jefferson from taking a war course? For I believe it is generally understood that he was opposed to a war. Has it operated upon the present Executive? Such a suggestion will not be made. I have, during my service here, given a fair and faithful support to the Administration, and I have certainly voted for stronger measures than they were willing to accept. It is due to the 10th and 11th Congresses, who have been so much abused, to state that their course, as regards the question of peace or war, has been in perfect unison with the views of the late and present Presidents. Let it not be inferred that I am disposed to find fault; I believe when we consider the very extraordinary state of the foreign world, and retrospect the embarrassing circumstances which have surrounded us, the course pursued by them ought to be deemed substantially correct, certainly so as respects their leading object, which has been to avoid making this country a party in the present war. If I was disposed to censure, it would be for not making an effort to chastise some of the British armed vessels which lay in our waters after the affair of the Chesapeake, in open contempt of the President's proclamation; if a single vessel had been driven out or compelled to strike her

colors, it would have healed the wound inflicted on the national pride and feeling, committed by the Leopard.

That this Government should have an influence with foreign Governments proportioned to the interest their subjects have in our funds, is probable, but how this interest gives them an influence here I am at a loss to perceive: foreigners cannot even vote in the appointment of directors. If there is any reality in this idea of foreign influence through this institution, why did gentlemen permit the present stockholders to be incorporated into the bill introduced last year? And why was not a provision inserted to prevent foreigners from purchasing additional stock?

Gentlemen say the embarrassments in Philadelphia could not have been occasioned by the Bank of the United States, because they continue to discount as usual. If I recollect the evidence—and I hope to be corrected if I mistake it—it was this: that the calling in of ten per cent. on their debts occasioned such a pressure, that they were prevailed upon to extend their discounts until the ultimate decision of Congress should be known. I have heard it seriously urged that the evils and inconveniences to be experienced from its dissolution, prove it to be a dangerous institution; the same argument would prove that the Government ought to be destroyed. Nothing, indeed, seems too absurd for the human mind to seize upon, when under the influence of passion or misguided zeal.

My honorable friend from Georgia has been reminded of the Macedonian phalanx. I trust, sir, we shall ever be found associated with a phalanx American, Republican, in heart and sentiment. I will not sacrifice the interest of my constituents for fear of being called hard names. The epithets of quidism, quadroonism, or any other ism which malice or policy may suggest, shall not drive me from the course called for by the public good. I am proud that I represent a people just, generous, and independent, not to be carried away by unmeaning clamor. Before they discard a public servant, they will view him both on a political theatre, and in the walks of private life. They know, too well, that those are not always the best Christians who sing hallelujahs on the house top, nor have they forgotten the celebrated Sempronius, who, on the approach of Caesar, thundered war in the Roman Senate, and at the same time was secretly co-operating with the traitor to overthrow the liberties of the Roman people.

Deeply impressed, Mr. President, with the opinion, that the rejection of this bill will give at least a temporary check to the prosperity of the rising State from which I come, I shall give my negative to the motion to strike out the first section. Yes, sir, not only the interest, but importance of that State in the Union is about to be sacrificed. When I look beyond the mountains, and remember that Kentucky has nurtured me almost from my cradle, that she has bestowed on me her choicest honors, my

bosom is filled with emotions of gratitude, which impel me to say on this, as on all other occasions, Kentucky I am only thine!

SATURDAY, February 16.

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The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States, passed on the 25th day of April, 1791;" the motion to strike out the first section being under consideration.

Mr. SMITH of Maryland said, that in seconding the motion to strike out the first section of the bill, he had pursued a course which, in his opinion, was the most correct. When I first took a seat in Congress (said he) the course of proceeding was to fix the principle by resolution, and, that once fixed, to send it to a committee to report a bill. By a motion to strike out the first section the principle will be tried, and the Senate, if the motion fails, will go into a discussion of the provisions of the bill. This I conceive a better course, than for the Senate to go into discussion of the details of a subject which would probably be ultimately rejected on the general ground of principle.

The gentleman who introduced this subject spoke with great animation and with great feeling against the press or presses which have undertaken to give their opinions upon this great and important question. He spoke with much warmth, and said that whoever knew him would not believe that he would permit himself to be driven out of his opinion by any man or set of men. There is no man, sir, the least acquainted with the gentleman from Georgia (Mr. CRAWFORD) but will believe his declaration. But another result may be apprehended, that those who feel so great an offence at the freedom the press has taken, may be driven into the opposite course by the irritation of their feelings. Certainly those feelings must have been extremely strong with the gentleman from Kentucky (Mr. POPE) to have induced him to terminate his speech with an oration hostile to the press. Are the gentlemen from Georgia and Kentucky the only Senators who have had their feelings wounded by the conduct of the press upon this subject? Sir, if the gentleman's opinions and sentiments have been censured by one description of presses, he may find consolation in having been greatly eulogized in others. For more than a year those on the same side of this question with myself have had their opinions tortured into every shape to destroy them in the estimation of the people, not only in this session but during the last. Sir, there are some presses in the Union which could not exist, whose papers would not be read, but for the discussion of individual character. Is any advantage to be derived from complaining of this? It results from the nature and temper of our Government, and the best way I have ever found to treat it is with silent contempt. He



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who does otherwise engages in the contest at a great disadvantage, and will seldom come out the victor. In the same presses of which those gentlemen complain, I have seen them both eulogized, and properly, for their conduct on the subject of the embargo and West Florida questions.

If the press be an evil in this respect, we must submit to it; those gentlemen who take a high and prominent stand must expect to be noticed. Sometimes gentlemen will be put down by the press, but their conduct being correct will more frequently be written up by its abuse.

It has been objected that this question is discussed on the ground of party; and the gentleman from Georgia, as I understood him, said, that this had been made a party question elsewhere, and might be so here. [Mr. CRAWFORD said he had mentioned no place, but had said that this might be made a party question.] I understood the gentleman to say, said Mr. S., that this may again be made a party question. But for this observation of the gentleman the subject of party would probably not have been introduced at all; and we must indeed shut our eyes or we cannot avoid seeing that this is made a party question, at least on one side. Do you see one gentleman, one solitary gentleman of one party, discriminated generally as a Federal, who does not vote for this measure throughout? Do you see one public body in Philadelphia or New York which has a majority of Federal directors or agents, which has not come before you with memorials drawn up with the ingenuity of lawyers, to impose on your judgments? Have not the same party prepared memorials and got the subscription of every one of their caste, bringing forward nearly the same number of petitioners as they have of Federal voters? Have they not done so in Baltimore? Of that city I would say as little as may be, for being a manufacturing as well as a commercial city, it has stirred up an animosity in some gentlemen against it not easily accounted for. In Baltimore, on a warmly-contested election, the Federal party mustered eight hundred and fourteen votes, all they could parade with their every exertion. To the petition for the renewal of the charter of the bank, there are eight hundred and forty odd signatures! They have gained some few since the latest contest. Is this coincidence of members, this exclusively Federal petitioning, no mark of party? They have also got one public body in Baltimore to memorialize in favor of the bank; the rest were not to be intimidated by the threats of the Bank of the United States. What, sir, have the other party done? Have they disturbed the quiet of either House? Have they brought forward the mass of their voters as signers to petitions? No, sir, they have trusted the subject to their Representatives, confiding in their disposition and ability to speak their sentiments. The representation of New York, Philadelphia, Baltimore, Norfolk, and Charleston, in the other House, have opposed the renewal of the charter. Every city high in estimation as a com-

mercial city is opposed to the renewal of the charter, except Boston. This speaks with a strong voice what are the feelings of the people; stronger evidence cannot be presented to the human mind. Far be it from me, sir, to endeavor to work up the feelings of party spirit on this occasion; but the thing itself was one of the first causes which created the present parties, and separated man from man and brother from brother. This measure was originally brought forward and adopted when the representation in Congress was not bottomed on an actual supposed census of the United States. Sixty-five members composed Congress then, which was a representation taken by accident. If a proportionate representation had been given to the States according to their population, the law probably would not have passed. The States of North Carolina and South Carolina had each five Representatives, being thus placed on an exact equality. Now, North Carolina has twelve, South Carolina only eight. What was the vote then? Out of sixty-five members thirty-nine voted for the bill. It was not, as my friend from Kentucky said, a subject fully discussed, or carried by a tremendous majority.

The bank having been formed, it may not be improper for me to take some view of its beginning and its operation. At first its operations were confined to Philadelphia; it extended its branches some time afterwards to Boston, New York, Baltimore and Charleston. Wherever it extended its influence, dissension commenced; wherever it placed its foot it became absolutely necessary for the States to erect another bank to counterbalance its pecuniary and political influence. In Philadelphia it began to oppose certain people and turn down their paper. The State of Pennsylvania, in defence of its own citizens, created the Bank of Pennsylvania. Here was a check upon its pecuniary and political operations. I believe I am not mistaken when I say that soon after it commenced in Boston a new bank was established there, from what cause I know not. In Baltimore, sir, it soon taught us a lesson, and we met the lesson as other States had done. Charleston and New York acted in a similar way. Operating as the bank did on the politics of the country before its effects were neutralized by competition, man being man, place him where you will, those concerned in the direction of the bank felt power and exercised it. When the British treaty was pending before Congress, the president and directors (as I am informed) themselves carried about a memorial to Congress in its favor, with what view and with what effect may easily be conceived. In Baltimore (until we were able to check them by other banks) its political influence was great. Prior to the great struggle between the parties, in 1798, they did permit one democrat to be within the walls of the sanctuary (as a director), a gentleman of as much respectability and independence of character, as any one of the direction. He was,

however, (immediately after daring to give his vote in favor of a democratic candidate,) put out, and since that time no man of democratic principles has been permitted to enter its walls as a director. Men must shut their eyes to the fact of this being a party institution, when they see that no democrat has been admitted to the direction of the bank but in this city and New York, where the collector was admitted a director for the purpose of protecting the public money at the instance (it is said) of the Secretary of the Treasury. Can we shut our eyes so as not to see that men hostile to the democratic party, and of course to the success of the administration of the Government, are not the most proper persons to have charge of its pecuniary concerns? I would have been very unwilling to have gone into this part of the subject; but when the gentleman from Kentucky, scarcely able to restrain his rage, cried out, party! party! I was bound to show that it was not those with whom I act who had any agency in pressing the subject of party into the present discussion.

The gentleman from Kentucky reprobates the system of petty mischievous intrigue for the purpose of carrying measures through Congress. No man, sir, despises or condemns such conduct more than I do. But on whose side has this intrigue been? It is necessary to put the saddle on the proper horse. Have we gone to insurance companies or corporations of one kind or another? Have we intrigued with the people to induce them to take sides with us? No, sir, we have been tranquil; we wanted no aid of that kind. Have we sent persons here to intrigue with members, or a deputy to remain here the whole of the last and present session, to explain to Congress the effect of putting down the bank, and threaten them with destruction and ruin to the United States if they passed the measure? No, sir, we have had no one here. Have we stirred up the people into town meetings to aid us by memorials? No such thing, sir. Have we called meetings and induced honest mechanics to come here to influence Congress by idle fears, impressed upon them by those who are interested, to tell a tale that shall answer our purposes? No, sir, we have pursued no such course.

Respectable merchants, I observe, form a part of the bank deputies—for what? To represent the late fall of the price of flour as a consequence of the danger of the bank charter not being renewed, and thereby to alarm the minds of members. I am sorry that men of such respectable character did permit themselves to come here on such an errand. I think I have seen in the papers, that one of the manufacturers (now here) on being asked to sign a petition for the renewal of the charter for twenty years, said he would rather cut off his right hand than sign it; he wished only a renewal for a short time to give the bank an opportunity to wind up its affairs. If this statement be true, and of its truth I have no cause to doubt, it shows the

depth of that intrigue which sent this gentleman here, through the instrumentality of his excellent character, to get a renewal of the charter for a period which he never contemplated. These are intrigues for which men ought to blush, and from which, I thank God, we are exempt. At the time these deputies arrived, there were three mechanics of Baltimore here, of character inferior to none, and of wealth inferior to few in Philadelphia, and who would have given a different view of the subject, if they had been asked to appear before the committee. I thought it unnecessary—I wanted no assistance of that kind—no species of intrigue. They did, however, declare, sir, that granting this charter would be a death-blow to the politics of the State of Maryland. They did believe the renewal would be injurious to them, for neither they nor many of the manufacturers of Baltimore had received much advantage from the branch bank; they had their own banks from which they generally received accommodation. Another species of intrigue is carried on, to wit, by pamphleteering. The press is groaning with pamphlets—for what? To teach the minds of members on this question, the necessity of renewal and probability of destruction to the nation, if their demands are not complied with. Our tables are covered with pamphlets of that tendency. Has there been any thing of the kind on our part?

There is scarcely an evil which has not been attributed to the embargo, and which is not now, with as little justice, attributed to the expected non-renewal of the bank charter. Great failures have lately taken place at New York; bills of exchange on London, to a large amount, have returned protested, and the drawers are not able to pay the holders, and to the present critical situation of the bank some gentlemen attribute the distress brought upon those who have suffered by these failures and protests. But, Mr. President, what is the real cause of those failures? They are confined principally to New York, and may be attributed to the following causes: It is natural for men born in Great Britain to entertain predilections favorable to a commerce with that country, their connections, as well commercial as of family, are there; their credit is there; and, from those causes, the house which has failed, and carried so many others with it in its fall, has probably directed the principal part of its commerce to England; they have, no doubt, shipped cotton and tobacco, the trade in which being in a great measure confined to Great Britain, the natural consequence has been, that the markets of England were completely glutted; tobacco, except the very fine Virginia, scarcely paid the charges of freight and commission, and the loss on cotton must have been nearly fifty per cent. The consignees, under those circumstances, refused to pay the bills drawn upon shipments of those articles. The bills returned protested, and ruin to the American shipper has been the consequence. At any other time the Eng-

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lish merchants would have accepted the bills, and held the cargoes for a better market; but, at that time, ruin stared every man in the face. No man in London knew who to trust, and very few would enter into engagements which they saw any difficulty in meeting. No censure ought to be attached to the American shipper, for, by the usage of trade between the United States and Europe, the American merchant is entitled to draw for two-thirds the amount of his cargo on transmitting invoices and bills of lading with orders for insurance. Other causes have existed to cause the present distress in New York and elsewhere, to wit, the seizure, detention and confiscation of property in Denmark, Prussia, and France, of ships and cargoes to the amount of many millions, on the proceeds of which cargoes merchants calculated to meet their engagements at home, and to meet their bills drawn on London. For, sir, the merchants who make large shipments to the continent, order the greatest proportion of their proceeds to be remitted from thence to London, and, on the expectation thereof, draw bills on their friends there. Disappointment has been the consequence of such seizures and losses; protests of such bills and ruin has followed. But, Mr. President, we might with as much propriety attribute the late great failures in England and on the continent to the expected non-renewal of the bank charter, as those which have happened in New York, or the present distress of the merchants of the United States. The returns of the bills protested, to so large an amount, of course destroyed the merchant's credit at bank; he failed, and, by his fall, has caused the ruin of others. When a great house fails, it is like a game of nine pins; knock one down and it will probably carry with it four or five others.

We have been told, Mr. President, in case the charter should not be renewed, that we shall find in future great difficulty in obtaining loans. What loans, I ask, have Government ever received from the Bank of the United States? I recollect, when I first entered Congress, that Government were indebted for loans made from the bank, but I also recollect that the bank complained of her loans as an inconvenience, and that Congress took the earliest measure in their power to pay them off, and have, since that period, made no new loan from the bank until that made payable the first of January last. I will not inquire whether even that loan was necessary, but I will venture to promise, sir, and will give any security that may be required, that the State banks will give a similar accommodation, to wit: If the Secretary of the Treasury will deposit with the State banks two millions five hundred thousand dollars of the public money, (the amount of the late loan,) they will lend Government to the same amount, and thus do as the Bank of the United States has done, *lend you your own money*, and very kindly receive from you an interest of six per cent. therefor. We are told that the bank has

lately lessened the discounts of individuals ten per cent., and that the merchants are thereby greatly distressed. Is that a fact? If it is, and great distress has ensued therefrom, what will be the distress of the merchants if the bill now before you shall pass; and if, agreeably to its provisions, Congress should (at any time hereafter) call on the bank for the loan of four millions promised by the bill? If, sir, a lessening of their discounts one-tenth per cent. creates distress, what will be the consequence, when, by a loan of four millions, called for from the bank, the bank shall be compelled to lessen the discounts four-tenths?

But, sir, the promise to lend four millions from a bank of ten millions is idle; it is worse, it is deception on the face of it. The loan, if made, would not be from the bank but from the merchants, whose discounts would thereby be lessened, and whose ruin would follow.

We are told that, if the charter of this bank be not renewed, and the funds of the United States be deposited in the State banks, it will be extremely unsafe, because it is said we can have no control over them. And, I wish to know, sir, what control we have over the Bank of the United States? None, but the same as we may have over the State banks. We cannot check the operations of the Bank of the United States, and if they obtain this charter, they will know that they can have their charter renewed whenever they please; so that, the fear of a non-renewal of their charter will have no operation on them in future. You will have a much greater control over the State banks, because you are under no obligation to put money in them, and you can change them whenever you think proper; the danger of losing the public deposits will always be a sufficient control over their conduct. The security of the State banks is doubted, however; and we are told, very gravely, indeed, that there is much more security in the mother bank, and her nine children, than in ten independent banks. This I must deny. I should, as a merchant, place more confidence in ten independent houses than in one with nine branches.

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Mr. BRENT said he had not the vanity to believe, after the subject had been so fully discussed, that he should be able to shed any new light on it; but having been instructed, by the Legislature of the State which he had the honor to represent, to vote on constitutional principles against the bill under consideration, and as he was reduced to the painful necessity of going counter to those instructions, it seemed to him to be indispensably necessary that he should submit to the Senate the grounds on which he acted. It is (said he) a most painful situation in which I stand in relation to the Legislature of Virginia, in being compelled to vote in opposition to their will, more especially as it is a prevalent opinion with many whose opinions

are entitled to great respect, that instructions are obligatory on a Senator. This question is one which has never been settled, or even fully deliberated on. Instructions, when heretofore given to Senators, have generally been in accordance with the sentiments of the Senators, and only given to add the greater weight to their opinions. If called upon definitely to pronounce with regard to instructions on questions of expediency, I might be under some difficulty as to what course to pursue; because, although there is no clause in the constitution to that effect, I am under a strong impression that, according to the principles of our Government, there is much reason to believe that the respective State Legislatures should have such a right; but on a constitutional question (whatever may be the right of the State Legislatures in other instances) the right of instruction may be denied, in my judgment—that is, so far as to be imperative on the Senator. To give a vote in such a manner as in his estimation to inflict a vital wound on the constitution, is more than the Legislature of Virginia, or any other State Legislature in the Union, can compel me or any other Senator in the United States to do. The resolution of Virginia is bottomed, not on the ground of expediency, but on the principle that the constitution prohibited Congress from granting the bank charter in the first instance; that it now prohibited it, and therefore, because it was unconstitutional, the Legislature have instructed their Senators in Congress to oppose it. Now, sir, although I shall not immediately and directly violate the constitution by voting against the bank, yet, if I vote against it when I believe it constitutional and necessary, it must be known that I vote in conformity to the instructions of the Virginia Legislature; and so far as my vote goes, it will warrant and sanction that interpretation of the constitution which the Legislature of Virginia has given—which interpretation, in conscience, I believe to be erroneous. Therefore, though in ordinary cases the instructions of a Legislature may be imperative, (I will not determine that question,) I conclude that they cannot be so when they require of a Senator to commit either a positive or implied breach of the constitution, or to vote in such a manner as to warrant such interpretation of the constitution as will deprive it of an essential attribute. Virginia has the physical force, but has she a moral right to violate the Constitution of the United States? If she has it not, can she give it to her Legislature? If her Legislature possesses it not, can they give it to a Senator? Can the Legislature give me a moral right to violate the Constitution of the United States, which I have sworn to support? I believe not, sir; and that, in the situation in which I stand, their instructions ought to have no operation on the vote I am to give on the subject under consideration.

The first question, whether the General Government, when it first came into operation, did not possess the power of creating a National

Bank, is the primary object of investigation. In objection to this it has been said, that to carry into effect an enumerated power is one thing, and the right to incorporate a bank is a distinct power. Those who take this ground say that the creation of a National Bank is an original, independent, and substantive power. It is not sufficient, say they, to show that it is a convenient instrument to carry into effect an enumerated power, because it is an independent authority of itself, and the genius of our Government prohibits the derivation of any powers by implication with scrupulous limitation. It is true, sir, that our Government, being an emanation from the existing State governments, the rational construction is, that all power not given away is retained to them or to the people. If that construction does not result, then a positive amendment, which has been made to the constitution, has infused this principle into it. I therefore admit in its fullest latitude the construction that all powers not given away are still retained; yet I still contend that even in a Government like ours, there are some resulting powers. Or by what right do we create a military school? We have a right to raise armies; but we can have an army without a military school. Yet it is constitutional to create such an institution, because every given power implies rights inferior appertaining to the powers granted. We lay an embargo—is there any clause in the constitution authorizing us to lay embargoes? No, sir; we have a right to regulate trade, and we have a right to lay embargoes to protect it. We have a right to provide for arming and disciplining the militia. Under this authority we build armories. Is there any provision in the constitution directing it? We have erected forges and even purchased ore banks. These are inferior powers, necessarily resulting from the greater powers granted. But here gentlemen find the great difficulty. The creation of a corporation, say they, is an act of sovereignty; it cannot be used as a mean, because it is a sovereign act. Why, Mr. President, every law passed is *quoad hoc* a sovereign act. A law incorporating a military school is as much an act of sovereignty, as to the particular subject to which it relates, as an act incorporating a bank. We create a military school—for what purpose? Because the sovereign authority has power to establish an army, and the power to create a military school is inseparably connected with and necessarily appertains to it. We establish a navy—we also establish a marine corps. There is no clause in the constitution giving that power, but we take it as inseparable from the power to create a navy, because the exercise of the greater implies every subordinate power necessarily connected with it. The great stumbling block, however, is, that this is one of those independent, original, and substantive powers, which cannot be given by implication. Blackstone says, “municipal law, thus understood, is properly defined to be a rule of civil conduct, pre-

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scribed by the supreme power in a State, commanding what is right and prohibiting what is wrong." Agreeably to this definition, every law passed by a deliberative body is an act of sovereignty as to the subject to which it relates. The establishment of a marine corps is as much an act of sovereignty as an act incorporating the Bank of the United States. The only question is, whether it be necessarily incident to the enumerated powers given to the General Government. Those who criticise most accurately on the constitution and most unwillingly concede resulting powers, will admit them to a certain extent even in our Government. The only question is the immediate and necessary connection of the means used with the object intended to be attained.

In inquiring then, sir, whether or not, at the first promulgation of the constitution, when it came into existence, it was intended that Congress should possess the power of incorporating the Bank of the United States, let us inquire whether there was any possibility of carrying into effect with any tolerable convenience and advantage the several provisions of the constitution, unless this power exists. It is said that you do not possess the power, because it is attempted to be derived by different gentlemen from so many different parts of the constitution. Now, Mr. President, I have never before understood that a capacity to derive a title from several different sources gives you less title than if derived from one source alone. I derive the power from the whole context of the constitution, although gentlemen seem to think that the title is invalidated in proportion to the number of sections in the constitution from whence we derive it. In order to avoid confusion of argument in examining this question, I will derive it from only one source at present, though I believe others equally give it by a necessary construction. At the time the constitution came into existence, I believe there were but three banks in the United States; none south of Philadelphia, and all of very limited capital. The Constitution of the United States gives the power to levy and collect taxes. Is it possible to imagine any system so convenient for the collection of this revenue, and sending it to the seat of Government, as that of the agency of banks? I am not inquiring whether the State banks can do it; but I say that the framers of the constitution must have had under consideration the state of things at the time when the constitution came into existence. At that time there was not one bank south of Philadelphia, and the banks which existed were very limited in their capital, and their paper had limited circulation. Congress, in such a state of things, then, has the power of levying and collecting taxes conferred on it, and yet Congress has not the power to create banks to aid in the collection of its taxes, notwithstanding a clause to make all laws necessary and proper for that purpose is contained in the constitution. No gentleman will say that the agency of banks is not neces-

sary in some way or other in collecting the revenue. I admit without them you could have carried on our fiscal arrangements in an awkward and cumbrous form, but was that the intention of the constitution? When the power to collect taxes was given, it was intended to give all the means necessary to carry this power into execution. It was not to execute this power in a cumbrous form, but with the greatest facility with which the power is susceptible of being wielded. Now, is it possible that the constitution contemplated that the revenue should be collected and transmitted here, subject to all the risks and accidents and inconveniences that attend the transportation of specie? It is impossible. But all this doubt has arisen from its being a separate and independent power, although it is no more of that character than any other law passed to execute the enumerated powers of Congress.

In a word, Mr. President, it is admitted by all who have spoken on this question, whether for or against the bill under consideration, that the agency of a bank or of banks affords the greatest facility and security of any plan that can be devised for the collection of a revenue, and for its transmission to your Treasury.

It is admitted that no bank or banks of a capital or of sufficient circulating paper throughout the United States adequate to this object, did exist when the constitution was first formed, promulgated, or adopted. It is admitted that to levy and collect taxes is one of the enumerated powers of Congress. It is admitted that Congress has all power necessary and convenient to carry its enumerated powers into execution.

It is admitted there is no express clause in the constitution prohibiting the establishment of a National Bank.

If these principles and facts are admitted, does it not demonstrate, beyond the possibility of doubt, this unquestionable result, to wit: that as Congress is to levy and collect revenue; that as the agency of banks affords the most certain, speedy, and convenient means by which a revenue can be collected; that as neither, at the period when the constitution was made, promulgated, or adopted, banks of sufficient capital, or with paper of sufficient circulation, existed for the collection of the revenue, and its transmission to your Treasury; that as there was no positive clause prohibiting a National Bank in the constitution; that as Congress was to have all power necessary to carry its enumerated powers into execution; that as the convention who framed, and the people who adopted the constitution, must have had in view our then existing institutions, and the then general state of society, it was the intention of the convention who formed the constitution, and the people who adopted it, to give to Congress the power of establishing a National Bank. If at the time of adopting the constitution it was necessary and proper that Congress should possess it, for the exercise of any of its enumerated pow-

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ers; if the foregoing result is undeniable, and I think it is, I would interrogate, if Congress, on the adoption of the constitution, possessed a power to establish a National Bank, what has since deprived that body of the power? I, Mr. President, can discover nothing which has. One argument, much confided in by gentlemen who have opposed the present bill, is, not that banks are not necessary to the collection of the revenue, but that State banks will answer. In return, I insist that no State banks did exist when the constitution was first formed, therefore the power to create a National Bank is necessarily given in the power to levy and collect taxes. To this it is replied that to create a National Bank is to legislate by implication; it is a separate, substantive, and independent power; to levy a tax is one thing, to make a bank another. I answer, to levy a tax is one thing, to create an officer for its collection another. By this kind of chop-logic we may prove any thing unconstitutional. I ask, when you levy a tax, if you do not provide officers for collecting it. I levy a tax and create a bank through whose instrumentality I mean to collect it; from the same authority by which I appoint a collector, I have a right to create a bank through whose instrumentality I mean to receive and transmit it. There is no clause in the constitution saying you may appoint officers for the collection of the revenue specifically; but the right to appoint officers to collect revenue is derived from the power of levying a tax, from which also may be derived the power of establishing a bank, if it be the best mode of collecting the revenue. It is said you may collect this tax by means of the State banks. Very well, sir, I say you may collect the revenue by means of State officers, and upon the principle that you cannot establish a bank to collect the revenue, because the State banks can collect it, I say that the State officers can collect our taxes, and if your argument is just, you cannot appoint any other officers. The constitution authorizes the President to appoint persons to fill all offices established by law, but says not a word about appointing officers to collect the tax you levy specifically. Upon the construction gentlemen contend for, they might say, because no power is expressly given to appoint officers of the customs, or for your taxes, and it is possible to collect the revenue by the agency of the State Governments, and nothing should be done by the United States authorities which can be done by the States, therefore these collectors of the customs or revenue should be such as are appointed by the States for State purposes. This kind of reasoning, sir, cannot be admissible, and is in hostility with a most manifest principle of the constitution, as it is evidently a prominent feature of that instrument that the General Government should have within itself all those powers necessary and convenient for the execution of its enumerated trusts, entirely free and independent of the interference and agency of the States, their officers, or ministers.

It is said that the corporation, which it is proposed to recharter, independent of the facility it affords to Government in the collection of the revenue, has also particular advantages given to it; that it is a monopoly; and what right, it is asked, has Congress to grant a monopoly? I will ask, in return, when an officer is appointed to collect the customs, has he not a salary and emoluments? Is not every office in law called a franchise or a particular privilege? If the officer who has these emoluments, privileges, or franchises, (call them what you will) receives these in consideration for his services, have you not the power to hold out inducements to associated bodies of men to form an institution from which the public may derive benefit, not with a view exclusively to their monopoly and benefit but on account of the advantages to be derived from it by the public?

The honorable gentleman from Kentucky, (Mr. CLAY,) with his usual ingenuity, spoke of the enormous evil and the danger to our liberties that is to be anticipated from giving the power to erect corporations, which he says is an original power, and has given being to institutions which have swelled to an enormous magnitude. The example of the East India Company and the South Sea Company were spoken of in an alarming, impressive, and ingenious manner. But, I ask, sir, if the State Governments do not possess this gigantic power? I see nothing to restrain them more than the General Government. I see that the only supervisors as to the State Governments are the people themselves, who are also the supervisors of Congress, who have also the invidious jealous eyes of the State Governments constantly upon them, as is illustrated in the conduct of some of the States on this very question, and who combined would guard this power from abuse by the General Government much more than the people alone will guard against abuses by the States. It is a visionary mode of reasoning to argue against the possession of power from the abuse of it. The gentleman may as well tell us that we may raise armies to so monstrous an extent as to crush our liberties; and, therefore, we ought not on any emergency to raise an army. He may as well say the creation of a military school, which is as much and no more a resulting power than the one in question, is giving to Congress a great substantive independent power to create a vast engine, under the name of a military school, which may swell to such an immense importance as to make it an instrument to swallow all the liberties of the country. So as respects sites for forts and armories, and ore banks, powers exercised by implication, the gentleman, from the unlimited indulgence he gives to a gloomy and foreboding imagination, may say, you may purchase the territorial rights of the States until you destroy their sovereignty. There is no end to the extent of such reasoning. We must rely in some degree on ourselves, on the vigilance of the State Governments, and on the discretion

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of the people. When the whole body politic is so corrupt that there are no eyes on our rulers to see when they transcend the powers of the constitution, all is lost, and no paper reservations can save us.

Mr. President, I am ready to admit that where a measure obtains, that inflicts a violation on our constitution that is unquestionable, palpable, and notorious, however frequently and however solemnly this measure had been sanctioned, however long it had been submitted to and endured, would not be considerations with me of any importance or create one moment of doubt. Error, however repeated and submitted to, is error still, and every occasion should be sought to get rid of it; but on an occasion in the origin of which the constitutional question was doubtful, when men of the purest integrity and most illumined intelligence might pause and differ and doubt, I should imagine that such case once acted on should never again be touched, unless considerations of irresistible importance lead to such a measure; and I imagine that every man of candor and intelligence who weighs with due deliberation the question under consideration, will at least admit, if the measure is not certainly constitutional, it is at least of that description of character I have last mentioned. In such an instance as this, will it be said that after this measure has been sanctioned by Congress on full deliberation and debate; after the bill establishing this bank had received the approbation of the President, who reserved his signature to it till the last moment permitted by the constitution, and after he had viewed the question with all its bearings in every attitude it could be presented, after full consultation with his Cabinet Ministers and others of high intellectual character; after the law thus sanctioned by the Legislature and the President has been acquiesced in and practised on for the space of twenty years, when it has been considered inviolable, and corroborating laws passed during the administration and legislation of different dominant political parties; when those laws have been sanctioned by the solemn adjudication of all our judges, both of the General and State Governments; to suppose that all these considerations are to have no influence as to putting to rest a constitutional question which was doubtful in its origin, is to be skeptical and scrupulous beyond all reasonable bound. If Congress had no right to incorporate a bank, was it not an act of usurpation in the President and Congress to pass laws punishing individuals for the forgery of its paper? Nay, more, Mr. President, when we inflict death for the support of institutions Congress had no right to create, and for the violation of laws the constitution prohibits that body from enacting—(and under the denomination of each of the political sects into which this country is divided, agreeable to the principles now contended for by gentlemen, such laws have been passed)—are not the Executive which sanctions, the Congress which passed, and the whole body

of our Judiciary, both of the General and State Governments, which enforces such unconstitutional measures, and under their surreptitious authority inflicts death upon our citizens, worse than usurpers? Are they not murderers? Yes, Mr. President, I reiterate, are they not murderers? And are we prepared to pronounce so heavy a denunciation on our predecessors, on ourselves, and the other great Departments of our Government? Are we ready to inform the American people that this body and all their constituted authorities have sported with the lives and illegally shed the blood of our citizens? My colleague was foreman of the jury that pronounced sentence, or that found a verdict, on the famous or rather infamous Logwood, for forgery of the paper of the Bank of the United States. This verdict was confirmed by the judge of the court, and the criminal punished agreeably to the judgment. Is a measure of such weighty and awful import, so solemnly and deliberately acted on and decided, and multifarious other decisions of the same description, to have no influence on the decision we are about to give respecting the constitutionality of establishing a National Bank? If they are not, then gentlemen view the subject through a very different medium than that through which it is presented to my vision. Then, in my judgment, Mr. President, our situation is alarming indeed.

To recapitulate: I derive the power to create a National Bank, when this constitution came into existence, from the situation of society, and our legal institutions at that time, and the difficulty, as things existed, that the revenue could be collected with advantage in any other way than by the agency of a bank. If this reasoning be deemed erroneous, I insist that the constitutional power of Congress to create a bank was in the first instance doubtful, and the principle having been recognized, and having received every sanction the Government could give, and practised on for more than twenty years, is not now to be called in question. Admitting that on both these points my views are erroneous; say that the establishment of the bank, at its commencement, was improper, still, if it be demonstrated that the existence or re-chartering of the bank is indispensable, or highly expedient at present, to the due exercise of enumerated rights of Congress, that which was improper or even perhaps unconstitutional at first, because it was not necessary, becomes constitutional and proper, because now expedient or essential. Congress is clothed by the constitution with a variety of delegated rights. Now, admitting that the establishment of a bank in the first instance was not necessary for the due exercise of the legislative rights bestowed in any one of these enumerated powers, if our predecessors in office, by the creation of a bank, which at best was an improper institution, because not necessary, have placed our fiscal concerns in such a situation that it cannot be put down without great injury to the revenue, which Congress is bound to levy and

collect, without injuring our commerce, without impairing our public credit, without lessening the public welfare, all of which Congress is bound to provide for and protect; if this can be demonstrated to be the probable result of pulling down the bank at this period, I would ask whether that institution, which was improper at first, because not necessary, does not become proper, because almost indispensable at present?

In construing the Constitution of the United States, when legislating on the enumerated powers of Congress, I lay down this rule of construction: that the only limitation to the power of Congress is either some positive or implied prohibition in the constitution itself, or the exercise of an honest and sober discretion. If, therefore, there is any reason to believe, at the present period and existing state of things, that by putting down the bank your revenue will be greatly impaired, your commerce will be injured, the public credit lessened, all of which Congress is to protect; does not such a state of things make it proper that the bank, which ought not to have been created, because not necessary, now ought to be continued because indispensable? It may here be said, that I am varying the constitution if I say that a thing is proper to-day which was not proper five and twenty years ago; that this vibration will always keep the constitution in an uncertain state. I say, no. My doctrine is subject to no such accusation; the principles of the constitution are uniform and unalterable. It is an uniform and unalterable principle, that Congress have the power to lay and collect taxes; they have the same positive, unchangeable right to exercise all the enumerated powers, the only rule of construction relating to them being that the means you use have a necessary relation to the power on which you legislate. If the means be not enumerated, you exercise discretion as to the means, having a regard to the existing state of things when you legislate concerning them. The same means may be necessary and proper now, which would not have been twenty years ago. You change the means to attain the end, but the end itself, the enumerated power in the constitution, remains unchanged. As long as the constitution exists, you must select the means most proper for executing the enumerated rights at the precise moment at which you legislate respecting them. If this be the true construction of the constitution respecting the recharter of the bank, the question merely resolves itself into an inquiry how far such a measure is at present expedient. To determine at this moment whether or not it be constitutional, or in other words expedient, to incorporate the Bank of the United States, I am to say whether, under existing circumstances, in the present state of society, situation of trade and revenue, the preservation and continuance of this institution is essentially necessary. If it be essentially necessary, we have a right to recharter the bank. I have been precise in stating this view of the

subject, because it has not before been taken by any other gentleman.

TUESDAY, February 19.

The credentials of JOHN CONDRY, appointed a Senator by the Legislature of the State of New Jersey, for the term of six years, commencing on the fourth day of March next; and of WILLIAM B. GILES, appointed a Senator by the Legislature of the State of Virginia, for the term of six years, commencing on the fourth day of March next, were severally read, and ordered to lie on file.

*Bank of the United States.*

The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the 25th day of February, 1791.

MR. TAYLOR.—MR. President: Although much time has been consumed in the discussion of the subject before us, and the ground completely occupied by those who have gone before me, yet the importance of the subject, the immense magnitude of the unhappy consequences likely to result to the nation from the rejection of the bill on your table, compel me to offer to it all the support in my power. Indeed, sir, to this sense of duty to the nation is superadded a very sacred, and to me indispensable duty—my duty to the State which I have the honor in part to represent, as well as another duty, which from the course the debate has taken, is not to be disregarded; I mean, sir, the duty which I owe to myself.

I cannot, as other gentlemen have boasted they can, put my hand into my drawer and pull out the instructions by which I am to be directed on this important subject.

The State of South Carolina is a very large stockholder in some of her State banks, and if a selfish policy, contracted to the narrow sphere of the unique advantage in dollars and cents of the Government of that State—in contradiction and disregard of the great body of her own citizens, and the citizens of the rest of the States in the Union—could have weighed a moment with her Legislature, I too might have been instructed. Let me not be understood, Mr. President, as drawing any comparison between the conduct of the State of South Carolina and the conduct of the great and leading States who have acted otherwise; but I must and will tell of the things that I do know. I rejoice, sir, that the State which I come from has, in this instance, been actuated by that magnanimity and patriotism which on all former occasions has distinguished her conduct; that neither selfishness, nor party rage, nor a spirit of intolerance, has induced her to counteract or embarrass the National Legislature in its pursuit of the great object of its institution, the good of the whole.

I hope it will not be considered as savoring of egotism when I say that my appointment to



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the very honorable station I now hold was unsolicited by me. That my sentiments on the subject now under consideration had been by me unequivocally expressed at the last session of Congress, and were well known to those who appointed me. Nay, further, after my venerable and respected predecessor had resigned his seat here, and had declined, also, his appointment for the ensuing six years, pending the election of a successor to him, and when my name was held in nomination, a resolution was offered, similar to those which we have heard so much talk about, proposing to instruct the Senators of that State to oppose the renewal of the charter of the Bank of the United States. This resolution, as I am informed, lay on the Speaker's table when the election was gone into. I was elected, and the proposers of the resolution had not power nor influence enough to raise it from the table on which it lay, and it died stillborn at the end of the session; and if I were to make an inference at all on these transactions, I should suppose I was tacitly instructed to vote for the renewal of the bank charter. But I seek not the avoidance of responsibility. It is here, sir, in my own bosom, I have instructions paramount to all others. My beloved country has rested the matter here, and my gratitude is superadded to all other moral obligations operating on me to perform this trust, and to execute this duty with faithfulness. I find the authority of Congress to grant this charter in the same sections of the constitution which the gentlemen who have gone before me have pointed out to you. In section seven, clause first, power is given to Congress "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties shall be uniform throughout the United States."

Clause second gives power "to borrow money on the credit of the United States." And, in the last clause of said section, power is also given to make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this constitution in the Government of the United States, or any department or officer thereof.

Let us understand the meaning of the words *necessary* and *proper*, to the last-quoted clause, for upon a correct knowledge of these depends, in my opinion, the correctness of our conclusions on this subject. The word *necessary*, in its technical and legal sense, in the meaning affixed to it in common parlance, established by usage, custom, reason, and the common law of the land, is different and distinct from the signification of the same adjective derived from the substantive *necessity*, as used by Hobbes, Hutcheson, Hume, and the other metaphysicians of the last century. It is well known that they used the substantive *necessity* as synonymous with the word *fate*, and which necessity, according to the opinions of one party, controlled omnipotence itself. This necessity was supposed

by them co-existent with the Deity itself, not prospective nor discretionary, bending in one way, and in one way only, all substance, all matter, and all spirit. This meaning of the word is only to be found with these metaphysicians and philosophers; but in our law books, in the daily and hourly use of the word in common conversation, it has no such meaning. When the old Congress passed the conditional charter—which I admit they had not a delegated power to grant, but which is fully in point, both as to the signification of the word, and, also, of their opinion of the necessity, and even indispensableness of a bank for the administering the fiscal concerns of the nation—in the conclusion of the preamble they say that the exigencies of the United States render it indispensably necessary to pass the act, &c.; and in the laws passed during that period, when this Government was in the habit of following the English custom of beginning the laws by a preamble, you find the word *necessary* used as synonymous to *expediency*—practical expediency, (see *Laws of the United States*, vol. 1, page 247; *idem*, page 276,) in fact, among frail mortals with fallible judgments like ours. With any beings endued with less than omniscience, the word *necessary* must be only applicable to the honest judgment we can make up concerning the subject to which we apply it; in other words, it is resolvable into that sound discretion with which, as moral agents, we are in the first instance intrusted by our Maker, and in the instance now before us, we are intrusted with by the constitution and by the citizens who have sent us here to transact their business. But the rigid *necessity* which our opponents wish to enforce on us, this metaphysical necessity, must, from its very nature, be immutable; it must be unique, and could not exist in a greater or less degree; and, therefore, the word joined to it in the constitution (*proper*) could have no meaning at all. The laws, to be passed, must be necessary, is the only one way given under heaven by which you are to effect the end desired; in other words, the law must be imposed by Fate. It is perfect nonsense to say that there is a latitude left with us to judge whether such a law is proper or improper. I have, I think, brought the meaning of the word *necessary* to the level and within the comprehension of frail human intellect. The signification of the word *proper* I take to contain the description of the measure or law to which it is applied, in the following respects: whether the law is in conformity to the letter, the spirit, and the meaning of the constitution; whether it will produce the good end desired in the most ready, easy, and convenient mode, that we are acquainted with.

Great stress is laid on that amendment of the constitution which says, that all power not expressly granted shall be retained, &c. Either the general clause I have relied on gives power or it does not; if it did not give power, why was this amendment made? And if it did, and this power was offensive, why was it not stricken

out when the amendment was made? But if it expressly gave power, which I contend, its being suffered to remain is proof that it was not the design of the amendment to take away the power given. Could not the Territory of Columbia have been governed without erecting a single corporation in it? I don't mean well governed. But was there that fatal necessity; that command from Jove,

"Ye fates fulfil it, and ye powers approve,"

to erect corporations? This legislation to erect corporations being, according to our opponents, *sui generis*, not of the ordinary kind, and only to be exercised where the express authority is given by the constitution, I ask gentlemen to show the clause in the constitution which expressly gives us the power to perform this sublimated act of legislation in this Territory any more than in any other part of the United States; and yet at this very session we have sent an armful of these high acts. The shelves of the office of the Secretary groan under the pile of charters we have granted.

I said it was easy to prove that the broad grant given to Congress to legislate for this Territory in all cases whatsoever, was restricted and paleed in by the constitution. Congress cannot make the duties here on imports less or greater than elsewhere in the United States—imports and taxes must be equal, &c.—nor deprive the citizens thereof of the right to a trial by jury, nor grant them titles of nobility; and yet the incidents here alluded to would come under the description in the clause "of all cases whatsoever." In truth, sir, there is not a scintilla of the spirit, nor a single word or letter of the constitution, that loses its power and sanction upon our conduct in legislating in this particular. There is no more a power given us to legislate *ad libitum* on this Territory, nor to derive therefor powers by implication, than is given us in the laws we pass for the whole nation; and if this power, *sui generis*, of creating corporations, is properly defined by our opponents, they ought to go back to the works of yesterday, as well as to those of twenty years' standing, in order to introduce their new order of things. I might here draw a comparison of the tried scheme of using the United States' Bank, and the untried scheme of using State banks in aid of the operations of the National Treasury; but I should only be saying with less force what has been so fully and so conclusively said by the gentlemen who have preceded me. Suffice it to say, that for safe-keeping, for transmission and payment of the funds to any part of the nation, and for enforcing the punctual payment by the debtors to the customs, by addressing to those debtors the arguments to the sense of honor and shame, and also to their interest, to wit: by denying them credit in the bank on failure in punctuality—all these have been afforded to the Government without its incurring therefor one cent's expense. Are we sure the State banks can or will do this? I beg

pardon of the Senate for detaining them on topics not new. As this is made a case of conscience, I deemed it necessary to be thus particular. I have no hesitation in saying, we have the right to act on this subject, inasmuch as I think the bank is both necessary and proper for the purposes above referred to.

To me it appears that this power is expressly granted; we derive it not by implication; but our opponents, in fact, are pressed to the necessity of using implication to come at the denial they set up against the exercise by Congress of this power.

I say, further, that this institution is necessary and proper for carrying into effect another general power, viz: The power to borrow money on the credit of the United States.

It is acknowledged on all hands that there is not specie enough in the nation, if applied solely to that purpose, to pay our annual impost. The operations of the Bank of Columbia in transferring the revenue derived from a part of Virginia (and of the land funds from the westward,) and of the Manhattan Bank in performing the same office in respect to the collections in Connecticut, have been dwelt upon by the honorable Senator from Maryland, (Mr. SMITH.) His arguments drawn from the facts would have been more conclusive if he could have instanced the same facilities afforded to the Government between banks disconnected by the effect of that neighborhood circulation and of that course of trade very apparent in the instances he has produced. But it is not conclusive at any rate. There is a neighborhood medium of circulation, (the State bank paper,) and there is a national medium, (the United States paper.) The latter, under the present state of things, corrects the operations of distant banks and renders their transfers easy; but, deprived of this, would any of them, situated at four and five hundred miles, or at one thousand miles' distance, agree to make these transfers for the Government free of expense? Could they, for instance, transfer the solid bullion belonging to the United States from Orleans to Boston or Philadelphia, without our affording compensation for freight, insurance, &c.? I have witnessed the advantages of this national medium in the State I live in; and in the months of autumn, when strangers are fearful of venturing to Charleston, our western friends, rather than carry the hard dollars, are in the habit of giving two or three per cent. for bills of the Bank of the United States. Destroy this national medium, you insulate the State banks, which are so far asunder as not to be within the influence of the neighborhood medium of circulation. The stroke of our dreadful wand disconnects the ligament by which they are bound together in their distant operations.

Mr. PICKERING.—I will now, Mr. President, make some observations on the main question under consideration. Whether Congress have the power by the constitution to renew the charter of the Bank of the United States?

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It has been said that the power to incorporate a bank for the United States is a substantive and original, and not a derivative or implied power. This has been repeated, but I have heard no arguments in support of the position; it is naked assertion.

It has also been called "an act of sovereignty;" as if to alarm and deter us by its awful magnitude. But, sir, the sovereign power of Congress is sometimes exercised on subjects of comparatively little moment. A few days since we passed a bill to authorize the erection of a bridge; and another, to change the name of an individual, to enable him to inherit an estate. The power of Congress is sovereign to all the purposes of the constitution. They can lay and collect taxes, duties, imposts, and excises; borrow money, regulate commerce, and make all needful rules and regulations respecting the territory and other property of the United States. And they have the power to make all laws necessary and proper to carry the foregoing and all other constitutional powers into execution. When proposing to exercise this general power, in any case not expressly mentioned, we have to consider whether it be "necessary and proper." It has been said that "necessary" here means indispensable; something without which a particular power expressly granted cannot be carried into execution. But, sir, I see no ground for this interpretation. In the affairs of a nation, or other community, whatever the public good requires to be done, is necessary and proper to be done. It is a moral, not an absolute necessity. It is necessary for me to be here in my place, because it is my duty to be here. Necessary and proper are opposed to unnecessary and improper. Congress should do no act unnecessary and improper; but, like State Legislatures, do whatever is necessary and proper to attain the objects for which they are respectively constituted.

In determining whether any proposed measure be necessary and proper to carry into execution any power expressly given to Congress, we have to consider whether that measure has a just or useful relation to the end. For instance, the constitution having prescribed no mode of collecting the revenues, it rested in the discretion of Congress to adopt such a mode or such modes as should appear to them best adapted to that object. Instead of appointing custom-house officers in the large commercial cities and towns, where a banking establishment could be supported, Congress might there have erected banks, as the most certain, punctual, and cheap mode of collection. Suitable officers of a bank might have performed all the duties of entering and clearing vessels, and all other duties pertaining to the custom-house, without any charge to the public; the deposits of the public moneys so collected in those banks, upon which the usual banking operations might be carried on, yielding an adequate compensation for all the services so performed.

The public revenues, when collected, must

also be safely kept. An experience has demonstrated that, of all depositaries, banks are the safest. And the same experience has shown that, as the public moneys are required to be frequently transferred, for the public expenditures, from one State to another, the Bank of the United States, with its branches, has furnished the best mode of transfer; it being effected with despatch, with certainty, and without any risk or expense to the United States.

The gentleman from Kentucky (Mr. CLAY) asked, if banks are necessary for collecting the public revenues, why give them any other power? The answer is, that it is the essential nature of banks, which renders them so peculiarly fit to collect the revenues. The merchants, whose bonds are lodged in the banks for collection, are also borrowers of money from the banks; and if they fail of paying their bonds, as they become due, their credit will fail; they can obtain no more loans until their bonds are paid. This has just been presented to our view, in the most striking manner, by my colleague.

"To borrow money," is another of the great powers expressly vested in Congress. And in this, as in the power first considered, no mode of borrowing being prescribed in the constitution, Congress are to devise and provide the means in their judgment most sure, expeditious, and ample, to obtain loans. And this was one of the great objects for which the Bank of the United States was originally incorporated. The gentleman from Virginia, near me, (Mr. BRENT,) and the gentleman from South Carolina, (Mr. TAYLOR,) have, in very forcible language, displayed the impolicy of depending on State banks or individuals for loans, in public emergencies. At such times, these banks and individuals may be most hardly pressed by their usual customers. To suffer the Bank of the United States to dissolve, and to have recourse to State banks, will be so far going back to the condition of the United States under the articles of Confederation, when our Union was but a rope of sand. When the pressure of the Revolutionary war was over, indeed, while that pressure remained, Congress in vain made requisitions on the individual States; no money, or none in any measure adequate to the public exigencies, could be obtained. After the war, when the public treasury was empty, Congress importuned—implored the States, individually, to grant the power to raise a revenue from commerce, to defray the current expenses of the General Government, and to fulfil the public obligations, but the power could not be obtained. States, deriving large revenues from commerce, chose to retain them for their own treasuries.

It was this helpless, forlorn condition of our country, which forcibly convinced the nation of the necessity of forming a new system of Government; and our present Government was the fruit of that necessity.

"To regulate commerce" is a third great

power vested in Congress. And it is conceived that the exercise of any power well adapted to give safety, facility, and prosperity to commerce, must be comprised in the power to regulate it. Hence the erecting of light-houses has been mentioned as an instance in which an implied power, incidental to the regulating of commerce, has been exercised. But it has been said that this power is expressly given in another part of the constitution; that by which Congress is vested with exclusive legislation over the district which is the seat of Government, and over places ceded to the United States "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." But if we had no commerce, no navigation, light-houses would not be "needful buildings," they would be of no use whatever. Hence it is clear that they have a direct relation to commerce and to nothing else; and, therefore, the erecting of them is properly adduced as an instance of the exercise of a power implied in the general express power to regulate commerce.

The safety and facility of commercial operations was also greatly to be promoted by means of a general currency which should have equal credit throughout the Union. This has been accomplished by the notes issued from the Bank of the United States, under the authority of Congress, exercising the power incidental to that of regulating commerce.

A fourth great power, which I mentioned to have been vested in Congress, is that of "making all needful rules and regulations respecting the territory and other property of the United States." This "other property" consists partly of money. And, as Congress have power to make any regulations concerning it which are needful, that is, which may, in their opinion, best promote the general welfare, this money may be (as some of it has been) vested in bank stock; and with the truest regard to its safety and good management, in the stock of a bank erected by Congress, of which they may have a suitable inspection; and where it may safely deposit the public revenues, there to await the public demand; and, in the mean time, usefully aid those banking operations which give facility to commerce and to public loans.

But as an evidence that the constitutionality of the act to incorporate the Bank of the United States was at least doubtful, we have been told by the gentleman from Maryland, (Mr. SMITH,) that President Washington doubted; that his mind was in suspense to the last moment, when the act was to be approved or disapproved. That while the then Secretary of the Treasury, (Mr. Hamilton,) a very great man, maintained the constitutional power of Congress to erect that bank, another man, (Mr. Jefferson,) equally great, then Secretary of State, and the Attorney-General, (Mr. Randolph,) a distinguished lawyer, maintained the contrary doctrine—that Congress had not that power.

It is true, sir, that Washington, cautious and circumspect beyond any man I ever knew, did suspend his decision to the last day allowed him by the constitution. The confidence with which the Secretary of State and the Attorney-General supported their opinions on this question, was sufficient to excite in the President the greatest caution. Both were lawyers, and they raised many legal objections. The written opinions of these gentlemen were (as I have been well informed) put into the hands of the Secretary of the Treasury two days before it was necessary for the President to decide. And the reasoning of Mr. Hamilton, in his written argument, enabled the President to decide with satisfaction; with a full conviction of the constitutionality of the act.

The following are some of the objections offered by the Secretary of State: He said—"that the proposed incorporation (of the bank) undertakes to create certain capacities, properties, or attributes, which are against the laws of alienage, descents, escheat, and forfeiture, distribution, and monopoly. And that nothing but a necessity, invincible by other means, can justify such a prostration of laws which constitute the pillars of our whole system of jurisprudence, and are the foundation laws of the State governments." Washington, sir, was not a lawyer, and who can wonder that his fair mind was alarmed by such a solemn declaration? That it was kept in suspense by the assertion, that the act for establishing the bank would overturn the pillars of our whole system of jurisprudence, and the foundation laws of the State governments? But, sir, it required only the knowledge of a lawyer at once to overturn these objections. The following are some of the remarks of the Secretary of the Treasury: "If these are truly the foundation laws of the several States, then have most of them subverted their own foundations. For there is scarcely one of them which has not, since the establishment of its particular constitution, made material alterations in some of those branches of its jurisprudence, especially the law of descents. But it is not conceived how any thing can be called the fundamental law of a State government which is not established in its constitution, unalterable by its ordinary legislature."

"To erect a corporation, is to substitute a legal or artificial for a natural person; and, where a number are concerned, to give them individuality. To that legal or artificial person, once created, the common law of every State, of itself, annexes all those incidents and attributes which are represented as a prostration of the main pillars of their jurisprudence. It is certainly not accurate to say, that the erection of a corporation is against those different heads of the State laws; because it is rather to create a kind of person, or entity, to which they are inapplicable, and to which the general rule of those laws assigns a different regimen. The laws of alienage cannot apply to an artificial person, because it can have no country. Those

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of descent cannot apply to it, because it can have no heirs. Those of escheat are foreign from it, for the same reason. Those of forfeiture, because it cannot commit a crime. Those of distribution, because, though it may be dissolved, it cannot die." Sir, I beg leave to add a few explanations. By the laws of most, perhaps of all the States, aliens are not permitted to hold real estate; but in all they are free to hold personal property of every kind, and particularly bank stock. The law of escheat relates to the property of a citizen who dies without heirs, near or remote, and without a will. In such case his property falls to the State. But instances of escheat do not occur perhaps twice in a century in any State, and, consequently, is of trifling moment. Although a corporation cannot commit a crime, it may violate the rules prescribed in the law for its establishment, and thus incur an immediate forfeiture of its charter. Or, if for such a violation of its fundamental law, or any mismanagement of the institution to the public injury, its charter be not forthwith taken away, the State may refuse to renew it. As to the law of distribution, that operates when a person dies intestate. But though a corporation cannot die, yet the individuals to whom its property belongs will die; and their bank property, equally with their other property, becomes liable to the law of distribution.

One of the injurious consequences of destroying the Bank of the United States has been stated to be, the withdrawing of seven millions of dollars from the active capital of the United States, and transmitting it to Europe, where that portion of the bank stock is owned. To this it has been answered, by the opposers of the bank, that these millions will not be withdrawn, but transferred from the United States' Bank to banks of the several States. How then, sir, shall we get rid of that dangerous influence of foreign stockholders which the same gentlemen urge as a reason for not renewing the charter of the Bank of the United States? Sir, it is well known that money in Europe is less valuable than in the United States. That moneyed men there are glad to loan their money at an interest of five per cent. or less, while in these States the legal interest is six per cent. And a multitude of our citizens find their account in employing that foreign capital, paying an interest of six per cent., by which, in the course of trade, they gain ten, fifteen, or twenty per cent.; that foreign capital, in the hands of our merchants, has resembled the five and the ten talents, wherewith they have gained other five and other ten talents.

The distresses which will follow the dissolution of the Bank of the United States, especially in the great commercial cities, have been forcibly described in the plain testimonies of the committee of mechanics and manufacturers from Philadelphia—a committee selected wholly from the democratic party; distresses which were sufficient to move a heart of stone. And why should this bank be dissolved? It has been

said that the State banks are competent to all the necessary operations of the general bank. If the contrary had not been shown, it might be answered, that the Bank of the United States was incorporated when there were only three banks in the United States; one in Philadelphia, one in New York, and one in Boston. These were inadequate to the necessities and accommodation of the General Government and of the citizens. To supply this deficiency, it was necessary to erect the National Bank; and the dignity, honor, good faith, and credit of the United States stand pledged for the renewal of its charter. The institution having been well conducted, and founded in the highest degree useful and beneficial to Government, and to the citizens at large, it ought to be continued. Individual citizens and foreigners became stockholders on a well-grounded expectation of the stability of the Government. It was in this just expectation that foreigners, Englishmen, purchased of our Government, itself, its remaining shares of the public stock in the Bank of the United States, and at an advance of forty-five per cent.; so that, for every hundred dollars laid out by the Government in the purchase of bank shares, the United States received of these foreigners one hundred and forty-five dollars. And how was it possible for these foreigners to conceive the Government capable of destroying the work of its own hands, and of reducing their property to one hundred dollars a share, for which, but eight years before, they had paid the same Government one hundred and forty-five dollars?

WEDNESDAY, February 20.

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The Senate resumed, as in Committee of the Whole, the bill to amend and continue in force an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the 25th day of February, 1791.

Mr. CRAWFORD said he regretted extremely, that at so late an hour, he was constrained to throw himself upon the indulgence of the Senate, especially as the subject was so much exhausted by the able and animated discussions which had for so many days attracted their attention. Before I enter upon the few remarks which I feel it my duty to make in reply to the numerous comments which have been made upon the observations which I had the honor to submit to the consideration of the Senate, at the commencement of this discussion, permit me, sir, to acknowledge the liberality and indulgence with which those observations have been generally treated. In the course of the few observations to which I intend to confine myself, it shall be my endeavor to exercise that indulgence towards others which has been extended to me. The gentleman from Kentucky (Mr. CLAY) complains of the committee, because they have listened to the representations of two delegations from the city of Philadelphia who pre-

sented memorials to the Senate, who referred them to the committee; and because the committee have, in his opinion, given an adventitious importance to their representations, by the minuteness and by the pomp and parade with which they have been detailed to the Senate. It will be recollected that the committee did not seek the post which has been assigned them by the Senate, nor did they desert it after it was assigned to them. The object of referring petitions to committees is to collect that information which the Senate ought to have before it acts, and which in its collective capacity it cannot obtain. It has always been the practice of committees to permit the petitioners to be present at their meetings, to make such explanations, and to give such information touching the subject of their petition, as they think connected with it. It is the duty of committees to detail to the Senate the information which they collect, to enable the members to take a full view of the subject upon which they are called upon to act. The committee in the present case has done all this, and it has done nothing more. Had it pursued a different course it would have justly subjected itself to the animadversions of the Senate. To the information collected by the committee from these delegations, and laid before the Senate, my friend from Maryland (Mr. SMITH) has opposed a statement of facts, and his opinion founded upon those facts. As the situation and talents of that gentleman entitle his statements and opinions to great weight; as it is more than probable that the votes of several members will ultimately rest upon the weight of his authority, my honorable friend from Maryland (Mr. SMITH) will pardon me if I should examine his observations rather according to the rules of evidence, than those of logic. In making this declaration I wish to be explicitly understood, as excluding every idea of charging that gentleman with having made statements which he did not believe, or with having given opinions he did not entertain. I have no doubt but that he sincerely believes in the correctness of his statements, and in the accuracy of his opinions; but if, in the course of my observations, I shall prove incontestably that he is mistaken in some of his statements and opinions, it will teach the Senate the necessity of weighing the remainder of them with great circumspection. If I shall be able to show that he is mistaken in a case, the evidence of which is matter of record, that circumstance alone will induce the Senate to reject all idea of receiving his statements and opinions with implicit confidence.

The gentleman from Maryland has stated several cases in which the State banks, and the banks of this Territory have accommodated the Government where the United States had refused. The cases stated prove nothing, and ought to have no influence with this Government in establishing a permanent system of revenue. If the State and Territorial banks have upon several occasions received the bills of

other State banks to accommodate the Government, it was because it suited their convenience at the time. It was a mere temporary transaction, and forms an exception to the general rule. The charter of no bank in the United States compels them to take the paper of other banks, and whether they do receive them or not will depend upon contingent circumstances, or upon whim and caprice. No reliance, therefore, ought to be placed upon the duration of any regulation which is not enforced by their charters. The gentleman from Maryland thinks that the United States will have the same influence over the State banks that it has had, and will have over that of the United States. If he is correct as to the extent of that influence, his conclusion may be correctly drawn. But, sir, is it true that the National Government has no other influence over this bank than that which can be produced by withdrawing of its deposits? If it is so, then it must be admitted that the United States will have the same influence over the State banks that they will have over one of their own creation, because they can as easily withdraw their deposits from the one as the other. But, sir, the United States have an influence over the Bank of the United States, which is wholly independent of, and unconnected with, the right of withdrawing their deposits from its vaults. The bank is dependent on them for its existence. By renewing the charter for short periods of time you create a state of dependency upon the Government, which will at all times make the bank completely subservient to all the legitimate objects for which it was created. How, sir, is it with the State banks? Upon whom are they dependent for legal existence and for length of days? Upon the State Governments. Suppose the authority from which they derive their existence should place itself in opposition to the Government of the United States; and suppose that this state of hostility should happen a year or two before the time at which their charters were to expire, and the State Legislature should direct them to hold the deposit of public moneys against the demand of the National Government, what course would they pursue under such circumstances? Sir, the case which I have stated is not a mere possible case. The history of several of the large influential States proves that this state of hostility, which I have supposed, is not an imaginary one. Make yourselves dependent upon the State banks for the collection and transmission of your revenue, and that opposition, which has but seldom happened, will become more frequent. Their disposition to control the operations of the National Government will increase with every increase of the means of annoyance, which the folly and improvidence of Congress may throw into their hands. For whose benefit, sir, is the Government to strip itself of this right, so essential for the due administration of its finances? Is it for the benefit of the great mass of the American people? No; not one in a hundred of them

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have any interest in the State banks. They feel no interest in the question; their true interest is more effectually subserved by the operations of the Bank of the United States than it can possibly be by the State banks. This bank affords them a portable currency which is of equal value in every part of the United States, while the credit and currency of the State banks is local.

It is impossible to resist the conviction that the prompt and secure collection of our revenue is principally owing to the influence of the bank. But, sir, the bank has another direct influence upon the collection of your revenue. By the rules established in the bank at Philadelphia, every person whose bond to the Government is deposited there, has a right, upon getting an additional endorser, to claim a discount for half of the amount of his bond, and the part so discounted is immediately carried to the credit of the United States, and the bank takes upon itself the risk of the ultimate collection. In this way, sir, one-half of the bond is collected at the sole risk of the bank, without any possibility of loss on the part of Government. And yet, sir, it is contended that the bank has nothing to do with the collection of the public revenue. The gentleman from Maryland says that the scarcity of money, and the alarm and dismay which the delegation of mechanics had represented as existing in Philadelphia, could not be the effect of the contraction of discounts by the Bank of the United States, because that bank, as well as the State banks, are going on with their ordinary discounts. This is true, but the gentleman from Maryland has forgotten that this delegation stated that the bank, upon the rejection of their memorial by the House of Representatives, had contracted their discounts, and that a correspondent contraction had taken place in the discounts of the State banks which had produced the pressure; and that the pressure had spread alarm and dismay through the city. That before they left the city, the directors of the Bank of the United States had come to an understanding with the directors of the State banks, all of whom had determined to resume and continue their ordinary discounts until the last hour. Notwithstanding the banks had resumed their discounts, the panic which had been produced did not cease, and the scarcity of money, and the distrust which had taken place, still continue to exist in Philadelphia.

The gentleman from Maryland admits expressly that the transmission of your public money for the payment of the Army and Navy must be effected through the agency of banks, but contends that that object can be effected as well by the State banks as by a Bank of the United States. My friend from Kentucky (Mr. POPE) said, that the great characteristic difference between the present Government and that which existed under the old articles of confederation, is, that the present Government has within itself the means of executing its own measures, without relying upon the State gov-

ernments; whereas the old Congress had to rely upon the States for the execution of the measures which it had previously devised and adopted.

The gentleman from Maryland, in speaking of the means which had been resorted to, to procure the renewal of the charter, says that we have not procured memorials to be presented to Congress praying that the charter might not be renewed—we have not procured pamphlets to be written, published, and laid upon the tables of members, proving the unconstitutionality and inutility of the bank—we have not imposed upon the credulity of honest mechanics and manufacturers, and by that means procured delegations to be sent to pray for the rejection of the bank memorial. Surely, sir, the gentleman did not by these declarations mean to insinuate that any one of those gentlemen who support the bill upon your table, have had any agency in procuring any application to be made in favor of the bank. I know that gentleman's respect for himself; his respect for the Senate; his respect for the individual members of this body, as well as his respect for the general rules of propriety, exclude the possibility of his making such an insinuation. [Mr. SMITH explained, by saying, I exclude every idea of such an insinuation.] Sir, I will tell the honorable gentleman from Maryland, what has been done by those who are opposed to the renewal of the charter. I do not mean the members of the Senate who are opposed to it, but those who have attempted to inflame public opinion upon this question. Letters, sir, have been written from this place to induce the State Legislatures to instruct their members to oppose the renewal of the charter of the bank. I will ask the honorable gentleman from Maryland whether he does not know that letters have been written for that purpose?

The gentleman from Maryland has said, and I am extremely sorry that he has, that the Bank of the United States had their agents in this city for two sessions, intriguing with members of Congress to obtain a renewal of their charter. I can assure that gentleman that I have had as little to do with the agents of the bank as he has had. If, sir, I was disposed to retort upon those who are opposed to the renewal of the charter, I would ask, if they have not seen published in the democratic papers of Pennsylvania, Maryland, and Virginia, extracts of letters said to be written in the City of Washington, charging the members of Congress who are in favor of it with being bribed and corrupted, and with being disposed to sell the sovereignty of the nation to British capitalists? Have they not seen, in the same papers, conversations detailed with great minuteness, which it is pretended have passed between members of Congress, calculated to excite public odium and indignation against the friends of the bill now under consideration? Sir, I will not for a moment indulge an idea that these letters have been written or these conversations detailed by any member of this body. The idea that such has

been the fact is too humiliating, too degrading, not only to this honorable body, but to human nature itself; to be entertained but for a moment. And yet, sir, the author of a charge, as base as it is false, against my honorable friend from Kentucky, (Mr. POPE,) has, day after day, occupied a seat in a gallery of the Senate, to which no person has a right of access, but by an introduction of one of the members of this body. Sir, the highway robber, when compared with the infamous fabricator of this base attempt to assassinate the reputation of this honorable member, becomes a virtuous and estimable character. Such, sir, has been the warfare which has been waged against the renewal of the charter. Denunciations and charges of political apostasy are the measures by which we have been assailed from without and from within. Sir, I have shown that the bank question was no party question in its origin—that it was a question upon which an honest difference of opinion always has existed, and does now exist. And, shall I be charged with deserting the standard of the people, while I am treading in the footsteps of the great Father of his Country?

The gentleman from Maryland (Mr. SMITH) has said that he understood that a proposition was made in the Federal Convention to vest Congress with power to create corporations generally and without limitation. Had I been a member of that convention, I should most certainly have voted against the proposition, because it would have been unreasonable. Why should such a power have been delegated? Not certainly as necessary to execute the delegated powers, because they are very limited—a general power to create corporations would have enabled Congress to have created them *ad libitum* where there was no possible relation between them and any one of the delegated powers. The vote upon the incorporating the bank proves that if such a proposition had been submitted, it must have been rejected under a conviction that the power to create corporations is incident to such of the general powers as might require an act of incorporation completely to execute them, and fairly vested by the constitution in Congress; because ten of the members of that convention were in Congress, and voted for that bill—because General WASHINGTON signed that bill, because the only member of that convention now in Congress voted for the bill and is now in favor of renewing the charter; and because there were but eight members of that convention in Congress who voted against it.

Mr. President, I will now proceed to examine the objections which have been offered to the construction which I have given to several clauses of the constitution. In the observations which I made upon this part of the question when I was up before, I endeavored to prove that every construction that had been given to this instrument, upon the idea of its being perfect, was likely to be erroneous. The gentle-

man from Virginia (Mr. GILES) and the gentleman from Tennessee (Mr. WHITESIDE) still view it as a model of perfection. They are certainly at liberty still to entertain that opinion. Every man has a right to erect his idol in this land of liberty, and to fall down and worship it according to the dictates of his own conscience. I endeavored also to prove, that if we applied the same rule of construction to that clause of the constitution from which we endeavor to derive the right to create a bank, which has been applied to that from which the power to erect a light-house has been derived, the constitutional difficulty at once disappears. Until my friend from Virginia (Mr. GILES) and my friend from Tennessee (Mr. ANDERSON) had otherwise declared, I had always understood the right to erect light-houses had been exercised as incidental to the power to regulate commerce. It seems, however, that I am mistaken, and that this right is incidental to that clause which gives Congress the right to exercise exclusive legislation in certain places. The clause reads in the following words:

“To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings,” &c.

Now, says my friend from Tennessee, this clause gives the right to erect dockyards; and as dockyards must be on the seacoast, therefore Congress has the right to erect light-houses, because they must also be on the seacoast. This argument is extremely logical, nay, syllogistical, in form, but it is extremely illogical in substance. The conclusion drawn from the premises, is as necessary, as though I were to say, that because two and two makes four, therefore five and five makes twelve. The conclusion in the latter case is as necessary as in the former. But my honorable friend from Virginia (Mr. GILES) derives it from the authority given in this clause, to erect other needful buildings. But the question recurs, needful for what? Why, certainly, for the purposes before specified. What are they? Forts, magazines, arsenals, and dockyards. If this clause gives any authority to erect forts, magazines, arsenals, and dockyards, the other needful buildings spoken of must be needful for the specified purposes. I should suppose that no man, who spends only a few days in this city, can be at a loss to determine what is comprehended under the term “other needful buildings.” Let him go to the dockyard, nicknamed a navy-yard in this city, and he will there find a little town of “other needful buildings” in the words of the constitution. But, sir, I deny that this clause of the constitution expressly gives any right, but that of exercising exclusive legislation in the places



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to be accepted or purchased for the purpose therein specified. The right to erect forts, magazines, and arsenals, is fairly incidental to the right of declaring war, and of raising armies; and the right to erect dockyards is fairly incidental to the right of providing and maintaining a navy. But if for the sake of argument I should admit that the right to erect forts, &c., is given in this clause, how can it be proved that the right to erect a light-house is also given? Forts, magazines, arsenals, and dockyards, are enumerated, and as the constitution says that all powers not expressly given are retained, if the right to erect forts, magazines, &c., is given in this clause, most clearly the right to erect light-houses is retained by the States, because it is not to be found in the enumeration contained in the clause. When I had the honor of addressing the Senate before I questioned the authority of the State governments to create banks; I then stated, and I again explicitly state, that it is with reluctance that I have felt it my duty to make any inquiry into the constitutional right of the State governments to incorporate banks. The State Legislatures ought to have recollected the Spanish proverb, which says that those who live in glass-houses ought not to throw stones. Before they undertook to question the constitutional authority of Congress, they ought to have thoroughly examined the foundation upon which their own right rested. The honorable gentleman from Virginia (Mr. GILES) says that the construction which I have given to that part of the constitution which prohibits the States from emitting bills of credit, would apply equally to promissory notes given by one individual to another under the laws of a State, as to a bank bill. Permit me to inquire of that gentleman whether he ever saw a law authorizing one man to give another his promissory note? He may search the pandects of Justinian; he may turn over the leaves of the musty volumes written upon the common law, from the days of Bracton and Flota down to the present day, and his search will be in vain. For the right to make contracts, the right to give promissory notes, is antecedent to, and independent of all municipal law. The gentleman will find laws and decisions in abundance, regulating the effect of endorsements and other collateral circumstances, and prescribing the manner of enforcing the payment of promissory notes, but he will never find a law giving the right to execute the promissory note. But it is said that the bills of credit, which the States are prohibited from emitting, must be bills of credit emitted on the credit of the State. If this distinction should be well founded, many of the State banks are still subject to the charge of unconstitutionality, because in many of them the States are directly interested, and wherever that is the case, their bank bills are bills of credit emitted on the credit of the State. But the correctness of this distinction may well be denied, because the restriction is as general as it could possibly be

made. But it is said that this restriction applies only to bills of credit which are made a legal tender in the payment of debts; that bills of credit, designated in the constitution, are *ex vi termini* a legal tender. For the correctness of this exposition, an appeal is made to the restriction which immediately follows it, which restrains the right of the States to make any thing but gold and silver a legal tender in the payment of debts. It appears to me that the latter restriction excludes most emphatically the construction contended for. If the States are prohibited from emitting bills of credit, it would have been, to say the least of it, wholly nugatory to say they should not make them a legal tender. If the bills are not emitted, it is impossible that they can be made a legal tender. To suppose that the restriction upon the right of the States to make any thing but gold and silver legal tender has any connection with or influence upon the restriction to emit bills of credit, is as absurd as to suppose that the Decalogue, after having declared that "thou shalt do no murder," should have added, but, if you will murder, you shall not rob and strike the dead. The construction of the restraint upon the right to make any thing but gold or silver a tender, is that they shall not make specific articles, as tobacco or cotton, a tender, as was the case in some of the States.

But it is said that the history of the States will show that the bills of credit specified in the constitution were those only which were a legal tender in the payment of debts. Let us examine this point, according to the rule of construction applied to another clause in the constitution by a large majority of both Houses of Congress during the present session. Another clause in the constitution gives Congress the power to admit new States into the Union under two limitations: 1st. That no new State shall be formed within the limits of any State without the consent of the State; and, 2d. That no new State should be formed by the junction of two or more States without the consent of such States, and also of Congress. These limitations prove that the formation of new States, within the limits of the United States, was in view of the convention at the time that this clause was adopted; and the subsequent clause, which gives Congress the power to make rules for the government of its Territories, proves that these Territories were at that moment under consideration. In addition to these reasons for believing that the framers of the constitution had no idea of forming new States, beyond the limits of the United States, those who were opposed to the admission of Orleans as a State contended that the history of the United States proves that the power to erect new States and admit them into the Union was intended to be confined to new States within the limits of the United States at the formation of the constitution, and that a different construction would disparage the rights of the original States, and, of course, be a vio-

lation of the constitution. What reply did the majority of Congress give to this train of reasoning? They said that the right to admit new States cannot be subject to any other limitations or restrictions than those which are contained in the clause which gives the right, and as there is no restriction upon the right to erect new States without the then limits of the United States, Congress have an unlimited right to erect and admit them into the Union. Let us apply the same rule of construction to the restriction of the right of the States to emit bills of credit. The restriction is a general one; it has no exceptions; and every attempt to make exceptions ought to be repelled by the answer which was given to those who opposed the right of Congress to admit the Territory of Orleans into the Union as a State. The construction I have contended for gains additional weight when we consider the restriction which immediately precedes that under consideration. No State shall coin money, emit bills of credit, &c. Bills of credit are but the representatives of money. The constitution gives Congress the right to coin money, and to regulate its value. It takes from the States the right to coin money and to emit bills of credit. Why give to Congress the right to coin money and regulate its value? Because the interest of the nation requires that the current coin of the nation should be uniform both as to its species and value. If this is the true reason why the right of coining money and fixing its value was given to Congress, does not the right to issue that which is to be the representative of this coin; which, in fact, is to usurp its place; which is to be the real currency of the nation, necessarily belong to Congress? Does not the right to create a bank, which shall issue this representative of money, come within the same reason? I think it does.

To the fervid imagination of my friend from Kentucky, (Mr. CLAY,) this power to create a bank appears to be more terrific than was the lever of Archimedes to the frightened imagination of the Romans, when they beheld their galleys suddenly lifted up and whirled about in the air, and in a moment plunged into the bosom of the ocean. Are these apprehensions founded in reason, or are they the chimeras of a fervid and perturbed imagination? What limitation does the constitution contain upon the power to lay and collect taxes, imposts, duties, and excises? None but that they shall be uniform; which is no limitation of the amount which they can lay and collect. What limitation does it contain upon the power to raise and support armies? None other than that appropriations shall not be made for a longer term than two years. What restriction is to be found in it upon the right to provide and maintain a navy? None. What upon the right to declare war and make peace? None, none. Thus the constitution gives to the Government of the United States unlimited power over your purses—unlimited power to raise armies and provide

navies—unlimited power to make war and peace, and you are alarmed; you are terrified at the power to create a bank to aid it in the management of its fiscal operations. Sir, nothing short of my most profound respect for honorable gentlemen, who have frightened themselves with this bugbear, could induce me to treat the subject seriously. Gentlemen have said that they are alarmed at the exercise of this power, and I am bound to believe them. Sir, after giving Congress the right to make war and peace; the right to impose taxes, imposts, duties, and excises, *ad libitum*; the right to raise and support armies without restriction as to number or term of service; the right to provide and maintain a navy without a limitation, I cannot bring myself to tremble at the exercise of a power incidental to only one of these tremendous grants of power. The gentleman from Kentucky (Mr. CLAY) contends that we have attempted to give a degree of weight and force to what we are pleased to call precedents, to which they would not be entitled in those tribunals from which we derive all our ideas of precedents. I am happy to find that my friend from Virginia (Mr. GILES) agrees with me in opinion upon this subject. Indeed the principal difference between that gentleman and myself is confined to the question of expedience. He thinks that the construction which has been given to the constitution ought to be considered as conclusive; and that great inconvenience will be produced by unsettling what ought to be considered as finally settled and adjudged.

Sir, I have closed the observations which I thought it my duty to make in reply to the comments which have been made upon the remarks which I had previously submitted to the consideration of this honorable body. If, sir, I preferred my political standing in the State which I have the honor to represent (and, sir, I do not profess to have any out of it) to the public welfare, I should rejoice at the success of the motion which has been made by the honorable gentleman from Tennessee, (Mr. ANDERSON.) But, sir, as I believe the public welfare infinitely more important than any fleeting popularity which an individual like myself can expect to enjoy, I shall most sincerely regret the success of that motion. Sir, I have said but little about the degree of distress which will flow from the dissolution of the bank, because I have not that kind of evidence which would enable me to judge of it with any degree of accuracy. The convulsed state of the European nations; the immense losses which our commerce has sustained by the operation of the decrees and orders of the tyrants of the land and the ocean, imperiously admonish us to beware of making untried and dangerous experiments. By supporting this institution, the tottering credit of the commercial class of your citizens may be upheld, until the storm shall have passed over. By overturning this great moneyed institution at the present crisis, you

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may draw down to undistinguished ruin thousands of your unfortunate and unoffending fellow-citizens.

The question was then taken on striking out the first section of the bill, (equivalent to a rejection,) when it appeared that there were for the motion 17, against it 17, as follows:

**YEAS.**—Messrs. Anderson, Campbell, Clay, Cutts, Franklin, Gaillard, German, Giles, Gregg, Lambert, Leib, Mathewson, Reed, Robinson, Smith of Maryland, Whiteide, and Worthington.

**NAYS.**—Messrs. Bayard, Bradley, Brent, Champlin, Condit, Crawford, Dana, Gilman, Goodrich, Horsey, Lloyd, Pickering, Pope, Smith of New York, Tait, Taylor, and Turner.

The Senate being equally divided, it became the duty of the **VICED PRESIDENT** to decide the question by his vote; previously to which he made the following observations:

**GENTLEMEN:** As the subject on which I am called upon to decide has excited great sensibility, I must solicit the indulgence of the Senate while I briefly state the reasons which influence my judgment.

Permit me to observe, that the question to be decided does not depend simply upon the right of Congress to establish under any modification a bank, but upon their power to establish a National Bank, as contemplated by this bill. In other words, can they create a body politic and corporate, not constituting a part of the Government, nor otherwise responsible to it but by forfeiture of charter, and bestow on its members privileges, immunities, and exemptions not recognized by the laws of the States, nor enjoyed by the citizens generally? It cannot be doubted but that Congress may pass all necessary and proper laws for carrying into execution the powers specifically granted to the Government, or to any department or officer thereof; but, in doing so, the means must be suited and subordinate to the end. The power to create corporations is not expressly granted; it is a high attribute of sovereignty, and in its nature not accessorial or derivative by implication, but primary and independent.

I cannot believe that this interpretation of the constitution will, in any degree, defeat the purposes for which it was formed. On the contrary, it does appear to me, that the opposite exposition has an inevitable tendency to consolidation, and affords just and serious cause of alarm.

In the course of a long life I have found that Government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those which are incontestible; the former never fails to produce suspicion and distrust, while the latter inspires respect and confidence.

If, however, after a fair experiment, the powers vested in the Government shall be found incompetent to the attainment of the objects for which it was instituted, the constitution happily furnishes the means for remedying the evil by amendment, and I have no doubt that in such event on an appeal to the patriotism and good sense of the community it will be wisely applied.

I will not trespass upon the patience of the Senate any longer than to say, from the best examination I have been able to give the subject, I am constrained by a sense of duty to decide in the affirmative—that is, that the first section of the bill be stricken out.

SATURDAY, March 2.

*Bank of the United States.*

Mr. CLAY, from the committee to whom was referred, on the 25th February, the memorial of the stockholders of the Bank of the United States, praying that an act of Congress might be passed to continue the corporate powers of the bank for a further period, to enable it to settle such of its concerns as may be depending on the 8d of March, 1811, made the following report:

That your committee have duly weighed the contents of the memorial, and deliberately attended to such explanations of the views of the memorialists as they have thought proper to present through their agents. That, holding the opinion (as a majority of the committee do) that the constitution did not authorize Congress originally to grant the charter, it follows, as a necessary consequence of that opinion, that an extension of it, even under the restrictions contemplated by the stockholders, is equally repugnant to the constitution. But, if it were possible to surmount this fundamental objection, and if that rule which forbids, during the same session of the Senate, the re-agitation of a proposition once decided, were disregarded, your committee would still be at a loss to find any sufficient reasons for prolonging the political existence of the corporation for the purpose of winding up its affairs. For, as it respects the body itself, it is believed that the existing laws, through the instrumentality of a trust properly constituted, afford as ample means as a qualified continuance of the charter would, for the liquidation of its accounts, and the collection and final distribution of its funds. But should any inconvenience be experienced on this subject, the committee are persuaded it will be very partial, and such as the State authorities, upon proper application, would not fail to provide a competent remedy for. And, in relation to the community, if the corporation, stripped of its banking powers, were to fulfil *bona fide* the duty of closing its affairs, your committee cannot see that any material advantage would be derived. Whilst, on the contrary, if it should not so act, but should avail itself of the temporary prolongation, in order to effect a more durable extension of its charter, it might in its operations become a serious scourge.

Your committee are happy to say that they learn, from a satisfactory source, that the apprehensions which were indulged, as to the distress resulting from a non-renewal of the charter, are far from being realized in Philadelphia, to which their information has been confined. It was long since obvious that the vacuum, in the circulation of the country, which was to be produced by the withdrawal of the paper of the Bank of the United States, would be filled by paper issuing from other banks. This operation is now actually going on. The paper of the Bank of the United States is rapidly returning, and that of other banks is taking its place. The ability to enlarge their accommodations is proportionately enhanced; and when it shall be further increased by a removal into their vaults of those deposits which are in the possession of the Bank of the United States, the injurious effects of a dissolution of the corporation will be found to consist in an accelerated disclosure of the actual condition of those who have been supported by the credit of others, but whose insolvent or tottering situa-

tion, known to the bank, has been concealed from the public at large.

Your committee beg leave to present the following resolution:

*Resolved*, That the prayer of the memorialists ought not to be granted.

The report was ordered to lie on the table.

*Claim of General Wilkinson.*

Mr. BRADLEY, from the committee to whom was referred the memorial of General James Wilkinson, praying to be remunerated for moneys disbursed in the service of the United States, made the following report:

That the said Wilkinson has exhibited to them claims against the United States, to the amount of eleven thousand eight hundred dollars and ninety-six cents. It appears to your committee, from the documents and proofs produced by the petitioner to explain and support his claim against the public, that, of the above sum, \$6,719 78 are claimed for his disbursements and expenses incurred pending Burr's conspiracy; \$2,560 paid for a tract of land for the public service, now occupied by the troops on the Missouri river, near its mouth; \$450, the amount of his passage from Baltimore to Charleston, when ordered on extra duty by the President; and \$2,181 23, for losses of property sustained by his sudden transfer from St. Louis, where he was exercising the functions of a civil magistrate, to the Sabine, for the purpose of directing the arms of the nation against an invading force of the Spaniards.

Your committee have no hesitancy in saying that many of the charges appear to be legal and founded in justice, and may furnish a proper set off against the balance opposed to him by the War Department, and that the residue are entitled to equitable consideration; but, from the shortness of the time, and the pressure of business before the expiration of the session, your committee cannot find leisure to form that deliberate and clear judgment on the merits of the several items which justice to the petitioner and to the public require; they, therefore, beg leave to offer the following resolution:

*Resolved*, That the further consideration of the petition of General James Wilkinson, together with the accompanying documents, be postponed to the next meeting of Congress.

The report and accompanying documents were ordered to lie on the table.

The Senate adjourned to 6 o'clock this evening.

SUNDAY EVENING, 6 o'clock, March 3.

*Adjournment.*

*Resolved*, That Messrs. TURNER and COMPTON be a committee on the part of the Senate, with such committee as the House of Representatives may join, to wait on the President of the United States and notify him, that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

*Ordered*, That the Secretary acquaint the House of Representatives therewith, and request the appointment of a committee on their part.

A message from the House of Representatives informed the Senate, that the House concur in the resolution for the appointment of a joint committee to wait upon the President of the United States, and notify him of the intended recess, and have appointed a committee on their part.

Mr. TURNER, from the joint committee, reported that they had waited upon the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

*Ordered*, That the Secretary notify the House of Representatives that the Senate, having finished the business before them, are about to adjourn. Whereupon, the PRESIDENT adjourned the Senate without day.

## PROCEEDINGS IN THE SENATE,

IN SECRET SESSION, AT THE THIRD SESSION OF THE ELEVENTH CONGRESS.

THURSDAY, January 8, 1811.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES, by Mr. Edward Coles, his Secretary:

*To the Senate and House of*

*Representatives of the United States:*

I communicate to Congress, in confidence, a letter of the 2d of December, from Governor Folch, of West Florida, to the Secretary of State; and another, of the same date, from the same, to John McKee.

I communicate, in like manner, a letter from the British Chargé d'Affaires to the Secretary of State, with the answer of the latter. Although the letter cannot have been written in consequence of any instruction from the British Government, founded on

the late order for taking possession of the portion of West Florida well known to be claimed by the United States; although no communication has ever been made by that Government to this of any stipulation with Spain, contemplating an interposition which might so materially affect the United States; and although no call can have been made by Spain, in the present instance, for the fulfilment of any such subsisting engagement; yet the spirit and scope of the document, with the accredited source from which it proceeds, required that it should not be withheld from the consideration of Congress.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States, eastward of the river

JANUARY, 1811.]

Executive Proceedings.

[SENATE.]

Perdido, to their security and tranquillity, and the peculiar interest they otherwise have in its destiny, I recommend to the consideration of Congress, the reasonableness of a declaration that the United States could not see, without serious inquietude, any part of a neighboring territory, in which they have, in different respects, so deep and so just a concern, pass from the hands of Spain into those of any other foreign power.

I recommend to their consideration, also, the expediency of authorizing the Executive to take temporary possession of any part or parts of the said territory, in pursuance of arrangements which may be desired by the Spanish authorities; and for making provision for the government of the same, during such possession.

The wisdom of Congress will, at the same time, determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the territory in question, and an apprehended occupancy thereof by any other foreign power.

JAMES MADISON.

WASHINGTON, January 3, 1811.

The Message was read.

On motion by Mr. CLAY,

*Resolved*, That the Message from the President of the United States, of this day, which has been just read, be referred to a committee, with leave to report by bill or otherwise.

Mr. CLAY, Mr. CRAWFORD, Mr. BRADLEY, Mr. SMITH of Maryland, and Mr. ANDERSON, were appointed the committee.

MONDAY, January 7.

Mr. CLAY, from the committee, appointed the 3d instant, on the confidential Message of the President of the United States, reported a declaration and bill to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes; which were read, and passed to a second reading.

TUESDAY, January 8.

The bill to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, was read the second time; and, on motion by Mr. CLAY, it was considered as in Committee of the Whole.

On motion, by Mr. BAYARD, to amend the bill, by striking out of the first section thereof the words, "In the event of such arrangement for that purpose as shall have been made with the local authority which may then exist;" and, in lieu thereof, to insert the words, "In case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same to the United States:"

On motion, by Mr. GILMAN, a division of the question was called for: and the question being

put on striking out, it was determined in the affirmative.

The question was then taken upon inserting the proposed amendment, and determined in the affirmative—yeas 20, nays 12, as follows:

YEAS.—Messrs. Anderson, Bayard, Brent, Campbell, Condit, Crawford, Franklin, German, Gregg, Lambert, Lloyd, Mathewson, Pickering, Pope, Reed, Smith of Maryland, Smith of New York, Tait, Taylor, and Worthington.

NAYS.—Messrs. Bradley, Champlin, Clay, Cutts, Dana, Gaillard, Gilman, Goodrich, Horsey, Leib, Robinson, and Whiteside.

On motion, by Mr. BAYARD, it was agreed to amend the fourth section of the bill, by inserting, after the word "enacted," the words, "That in case possession of the territory aforesaid shall be obtained by the United States, as aforesaid."

WEDNESDAY, January 9.

The Senate resumed, as in Committee of the Whole, the bill to enable the President of the United States to take possession of the territory lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes.

On motion, by Mr. CLAY, it was agreed further to amend the bill, by adding to the first section the remainder of the original second section; and by adopting the original third and fourth sections, as the second and third sections of the bill; and having gone through the amendments, the President reported the bill to the House accordingly.

On the question, "Shall this bill be engrossed and read a third time, as amended?" it was determined in the affirmative.

Mr. ANDERSON submitted the following motion:

*Resolved*, That the subject-matter of the bill, entitled "An act to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes," be kept inviolably secret by the members of the Senate, until the Senate shall, by their resolution, take off the injunction of secrecy.

Which was read; and on the question to agree thereto, it was determined in the affirmative—yeas 20, nays 6, as follows:

YEAS.—Messrs. Anderson, Bradley, Brent, Clay, Crawford, Cutts, Franklin, Gaillard, Gilman, Gregg, Lambert, Leib, Pope, Reed, Robinson, Smith of Maryland, Tait, Taylor, Whiteside, and Worthington.

NAYS.—Messrs. Bayard, Champlin, Dana, Goodrich, Lloyd, and Pickering.

Mr. CUTTS, from the committee, reported the bill last mentioned, correctly engrossed.

A confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. CUTTS, two members of that body, with the following resolution, in which they ask the concurrence of the Senate:

CONGRESS OF THE UNITED STATES,  
In House of Representatives, Jan. 8, 1811.

Taking into view the present state of the world, the peculiar situation of Spain and of the American provinces, and the intimate relation of the territory eastward of the river Perdido, adjoining the United States, to their security and tranquillity : Therefore,

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States cannot see, with indifference, any part of the Spanish provinces, adjoining the said States, eastward of the river Perdido, pass from the hands of Spain into those of any other foreign power.

The resolution was read, and passed to a second reading.

THURSDAY, January 10.

So it was *Resolved*, That this bill do pass, and that the title thereof be, "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes."

On motion, by Mr. CLAY,

*Resolved*, That a committee of two be appointed to carry the said bill to the House of Representatives, and ask their concurrence therein.

*Ordered*, That Mr. CLAY and Mr. BAYARD be the committee.

Mr. CLAY reported that the committee had performed the service assigned them.

FRIDAY, January 11.

Mr. ANDERSON, from the committee appointed on the subject, reported the confidential resolution from the House of Representatives, with the following amendment :

Strike out all the words after the word "the," first mentioned in the first line of the resolution, to the end thereof, and in lieu thereof, insert "peculiar situation of Spain and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce:" Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to a future negotiation.

Which report was read, and considered as in Committee of the Whole; and, on motion to adopt the report, a division of the question was called for by Mr. DANA, and the question to strike out was agreed to, and the amendment was adopted; and the President reported the resolution to the House accordingly.

*Ordered*, That the resolution pass to the third reading, as amended.

## ELEVENTH CONGRESS.—THIRD SESSION.

## PROCEEDINGS AND DEBATES

## THE HOUSE OF REPRESENTATIVES.

MONDAY, December 8, 1810.

This being the day appointed by the constitution for the meeting of Congress, the following members of the House of Representatives appeared and took their seats, to wit:

*From New Hampshire*—James Wilson.

*From Massachusetts*—Ezekiel Bacon, William Ely, and Joseph B. Varnum, *Speaker*.

*From Vermont*—Samuel Shaw.

*From Connecticut*—Epaphroditus Champion, John Davenport, jr., Jonathan O. Mosely, Timothy Pitkin, jr., and Benjamin Tallmadge.

*From New York*—James Emott, Jonathan Fisk, Robert Le Roy Livingston, Erastus Root, Thomas Sammons, John Thompson, Uri Tracy, and Killian K. Van Rensselaer.

*From New Jersey*—Adam Boyd, Jacob Hufty, and Henry Southard.

*From Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, William Findlay, Daniel Heister, Aaron Lyle, William Milnor, John Rea, Matthias Richards, Adam Seybert, John Smilie, George Smith, Samuel Smith, and Robert Whitehill.

*From Maryland*—Charles Goldsborough, Alexander McKim, Philip B. Key, Archibald Van Horne, John Montgomery, and Nicholas R. Moore.

*From Virginia*—James Breckinridge, William A. Burwell, Matthew Clay, John Dawson, David S. Garland, Thomas Gholson, Peterson, Goodwyn, Joseph Lewis, jr., Thomas Newton, John Roane, and James Stephenson.

*From North Carolina*—Willis Alston, jr., James Cochran, James Holland, Thomas Kenan, Nathaniel Macon, Archibald McBryde, Joseph Pearson, Richard Stanford, and John Stanley.

*From South Carolina*—Lemuel J. Alston, William Butler, Joseph Calhoun, Thomas Moore, John Taylor, and Robert Witherspoon.

*From Georgia*—William W. Bibb, Howell Cobb, and George M. Troup.

*From Kentucky*—Joseph Deaha, Richard M. Johnson, and Samuel McKee.

*From Tennessee*—Pleasant M. Miller, John Rhea, and Robert Weakley.

*From Ohio*—Jeremiah Morrow.

Several new members, to wit: from Connecticut, EBENEZER HUNTINGTON, returned to serve in the place of Samuel W. Dana, appointed a

Senator of the United States; from New Jersey, JOHN A. SOUTHER, in the place of James Cox, deceased; and from Maryland, ROBERT WRIGHT, in the place of John Brown, resigned; appeared, produced their credentials, were qualified, and took their seats.

A quorum, consisting of a majority of the whole House, being present, the Clerk of the House was directed to acquaint the Senate therewith.

On motion of Mr. DAWSON, a committee was appointed on the part of the House, jointly with the committee appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

The Clerk of the House was directed to procure newspapers from any number of offices that the members may elect, provided that the expense do not exceed the amount of three daily papers.

The House then adjourned until to-morrow morning eleven o'clock.

TUESDAY, December 4.

Several other members, to wit: from Massachusetts, RICHARD CUTTS, EBENEZER SEAYER, and CHARLES TURNER, jr.; from Rhode Island, ELISHA R. POTTER; from New York, THOMAS R. GOLD; from Pennsylvania, ROBERT JENKINS; and from Virginia, BUREWELL BASSETT and JOHN W. EPPEL, appeared, and took their seats in the House.

A new member, to wit, from New York, SAMUEL L. MITCHELL, returned to serve in the place of William Denning, resigned, appeared, produced his credentials, was qualified, and took his seat.

JONATHAN JENNINGS, the Delegate from the Indiana Territory, and JULIAN POTDEAR, the Delegate from the Territory of Orleans, appeared, and took their seats.

A message from the Senate informed the House that a quorum of the Senate is assembled,

and ready to proceed to business. They have appointed a committee on their part, jointly with the committee appointed on the part of this House, to inform the President of the United States, that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

Mr. DAWSON, from the joint committee appointed to wait on the President of the United States, reported that the committee had performed the service assigned them, and that the President answered that he would make a communication to the two Houses of Congress tomorrow at twelve o'clock.

#### WEDNESDAY, December 5.

Several other members, to wit: from New Hampshire, DANIEL BLAISDELL and JOHN C. CHAMBERLAIN; from Massachusetts, J. QUINCY, SAMUEL TAGGART, and LABAN WHEATON; from Vermont, WILLIAM CHAMBERLIN, MARTIN ORITENDEN, and JONATHAN H. HUBBARD; from Connecticut, LEWIS B. STURGES; from New York, VINCENT MATTHEWS, PETER B. PORTER, and EBENEZER SAGE; and from Rhode Island, RICHARD JACKSON, jr., appeared, and took their seats in the House.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read at the Clerk's table.

[For this Message see Senate Proceedings of this date, *ante* page.]

The documents accompanying the Message having been read, in part, the House adjourned.

#### THURSDAY, December 6.

The SPEAKER laid before the House certificates of the election of EBENEZER HUNTINGTON, of Connecticut; John A. SCUDDER, of New Jersey; ROBERT WRIGHT, of Maryland; and WILLIAM MCKINLEY, returned to supply the vacancy occasioned by the resignation of John G. Jackson, of Virginia; which were referred to the Committee of Elections.

#### FRIDAY, December 7.

Another member, to wit, from New Jersey, WILLIAM HELMS, appeared, and took his seat in the House; also, a new member, to wit, from Maryland, SAMUEL RINGGOLD, returned to serve in the place of Roger Nelson, resigned, appeared, produced his credentials, was qualified, and took his seat in the House.

#### MONDAY, December 10.

Several other members, to wit: from Massachusetts, GIDEON GARDNER; from New York, GURDON S. MUMFORD; from Pennsylvania, JOHN PORTER; from Virginia, JOHN LOVE and DANIEL SHEFFY; and from North Carolina, LEMUEL SAWYER, appeared, and took their seats.

The SPEAKER laid before the House a certifi-

cate of the election of WILLIAM T. BARRY, elected to supply the vacancy occasioned by the resignation of Benjamin Howard, of Kentucky; which was referred to the Committee of Elections.

#### TUESDAY, December 11.

Several other members, to wit: from New York, HERMAN KNICKERBOCKER; from Virginia, EDWIN GRAY and JACOB SWOOPF; and from South Carolina, RICHARD WYNN, appeared, and took their seats.

#### WEDNESDAY, December 12.

Two other members, to wit: from North Carolina, MESHAOK FRANKLIN and WILLIAM KENNEDY, appeared, and took their seats.

#### THURSDAY, December 18.

Another member, to wit, from Georgia, DENNIS SMELT, appeared, and took his seat; also two other new members, to wit: JOSEPH ALLEN, from Massachusetts, in the place of Jabez Upham, resigned, and WILLIAM T. BARRY, from Kentucky, in the place of Benjamin Howard, resigned, appeared, were qualified, and took their seats.

#### Apportionment Bill.

The House resolved itself into a Committee of the Whole, on the bill to apportion the Representatives according to the third enumeration of the people of the United States.

The question recurring on filling the blank with the number of souls which should entitle to a Representative—

Mr. MAON said he was decidedly of opinion that the ratio ought to be fixed, before the result of the census was known. He had no objection to a moderate increase of the number of members; if they amounted to so many that one side of the House could not hear the other side speak, debate was at end, and the purposes of deliberative legislation defeated. He should have liked the bill better, he said, if it had declared that the House of Representatives should hereafter consist of a certain number of members, and had left the apportionment then to be made according to the population. On the subject of electioneering, he said it became him at least to say, that that portion of the people who sent him here, had not been concerned in it. Whatever might have been the practice elsewhere, so far as concerned his constituents, there had been no going about or haranguing. And, on the subject of electioneering, said he, wherever the people are free, there will be electioneering. It belongs to free government. Possibly different parts of the country may differ as to the mode. In some, men go themselves about electioneering; in others, their friends do it for them. In some, newspaper publications help an election; in others, they destroy it. In some places, I have heard, the sacred pulpit is not free from it; in others, a divine would be destroyed that would attempt it. There was not



DECEMBER, 1810.]

Apportionment Bill.

[H. OF R.]

more electioneering South, Mr. M. believed, than elsewhere; certain he was that candidates could not there spend the sums of money which he had heard of being spent elsewhere in an election. He concluded by saying he was in favor of a moderate increase of representatives. He was not afraid that, from a multitude of counsellors, nothing would be done; it was quite as much to be feared from too few that they would act rashly.

FRIDAY, December 14.

Another member, to wit, from Massachusetts, ABELIAH BIGELOW, elected to supply the vacancy occasioned by the resignation of William Stedman, appeared, was qualified, and took his seat.

*Apportionment Bill.*

Mr. GOLD considered this bill as a very important one, as fixing the construction to be put on a provision of the constitution. While, on the one hand, it might be admitted that business would be in general better done by a small number of Representatives, yet, on the other hand, there were important considerations in favor of a large number, as gentlemen would find by referring to the discussions at the period of the adoption of the constitution. It was then feared by some that the representation of so great a people would be too small. If gentlemen would refer to a number of papers, drawn up by an association of gentlemen, at that time, and published under the title of "The Federalist," they would find various arguments used to induce the Legislature to make the representation full; so that, at that period, no apprehensions had existed of the Representatives becoming too numerous. On the contrary, it was supposed that the public confidence would be impaired by having a small delegation. In advertent to the relaxed state of the Union, and how much it was exposed to be shook by attempts to weaken it, it was supposed that public confidence would be inspired, and general satisfaction given, by the selection of a large number. It was true, Mr. G. said, that representation might swell so much as to operate to the exclusion of legislation; but the House of Representatives would not, even if the present ratio were retained, be so numerous as many other legislative bodies in the Union. He had no objection to increasing the numbers of the House of Representatives to such an amount as would permit public business to be done with facility. Gentlemen might differ as to the precise ratio; but, while they argued in favor of a small number, from the inconvenience of a large delegation, he hoped they would conceive with him that well-grounded apprehensions might be entertained of the evils which would result from its being too small.

Mr. MITCHELL said he was in favor of the largest number proposed; and, not having been able to obtain that, he should vote for the largest on which a majority could agree. In the

district represented by his colleague (Mr. MUMFORD) and himself, there was probably one hundred and twenty thousand souls, and yet he had not heard any murmuring that they were not adequately represented.

Congress, Mr. M. said, did not convene here to legislate on all the subjects of the rights of citizens. Our Government is, he contended, a peculiar piece of machinery, an *imperium in imperio*. The Representatives to Congress left behind them Legislatures, whose province it was to take care of the personal rights and the rights of property of our citizens. With these concerns, said Mr. M., we have nothing to do. We meet here under a constitution expressly framed and devised for legislating on select subjects, which, on account of the generality of their nature, could not be confided to the several States. When, then, we consider the narrow grounds we have to legislate on, that our great privileges are left at home, we shall be convinced that there is no occasion that this body should be as numerous as if we were concerned in the great questions of property and right, which are secured by the constitution, under the guardianship of the State Legislatures, and of the courts for the furthering of justice. If I were to quote a precedent of a Legislature for commanding influence, and for wisdom and sagacity in carrying us through an arduous contest whilst struggling for our liberties, I should quote the Old Congress—limited in number, but remarkable for the honesty and fidelity with which they performed what a more numerous body could not have accomplished. And, if I wished to cite an instance of the evils to be dreaded from a numerous assembly, I should quote the National Convention of France, where representatives, assembling in great number, exhibited such a spectacle of disorder as I hope we shall never, by a multitude of counsellors, run the risk of imitating.

Mr. PIRKIN said that he had not expected that a bill of so much importance would have progressed so far, and gone through the Committee of the Whole in so rapid a manner as this had. What, he asked of the House, was settled by the passage of this bill? Nothing was, or could be settled by the present Congress, unless the returns were made from the different States of the number of inhabitants in each State, before the bill became a law; for Congress alone could designate and specify the number of Representatives which each State should send. The laws heretofore passed, designating the number of Representatives, had, at the same time, declared the ratio, and specified the number of Representatives of each State. Congress alone were competent to decide on the legality of the returns, and on their act alone could the State Legislatures proceed. Mr. P. presumed no member would say that it should be left to the Executive, or any Department of the Government, to say how many Representatives each State should send to Congress. The present Congress might fix the ratio as they pleased, but it

would not be obligatory on the next Congress, who could, and undoubtedly would, modify or reverse it as they should think proper. This bill was, therefore, premature, and, in fact, would not settle the principle which it proposed to decide. He was, therefore, on this ground, opposed to the passage of this bill; and he believed the inconvenience of deciding it now would be greater than if the business were to rest until after the returns were made.

Mr. QUINCY said that the agitation of this question at the present moment had taken him as much by surprise as it had the gentleman from Connecticut. He had no idea that a question so pregnant with interest would be hurried through the House in this way. His object in rising was to obtain a postponement of the question till some time in the next week, for the consideration of a point, which to his mind was important. He objected to the bill on the principle that it would be a violation of the constitution to pass it. It went to establish a ratio which, in its effect, must be abortive. The constitution says :

“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative.”

The constitution then had specifically made it the duty of the House to apportion the representation of each State according to its respective numbers. Was it not, he asked, infinitely absurd and a direct violation of the constitution, to apportion the representation before these numbers were known? When the constitution had made it a duty to do a thing according to a standard prescribed, would they do that thing before that standard could be in possession of the House? Suppose that in 1791, before the numbers of the States were known, Congress had undertaken to fix the ratio of representation—would not the Hall have rung with the exclamations that it was a violation of the constitution? And how would this bill, Mr. Q. asked, less violate the constitution than such an act would have done? For, as to the numbers to be ascertained by the present census, Congress were as little competent to decide as they were before any census was taken. This was the ground on which he objected to the bill as unconstitutional, and which he wished an opportunity thoroughly to examine. He therefore moved that the bill lie on the table.

Mr. FISK said it had been deemed desirable to fix the ratio before the numbers of each State were ascertained, so as to avoid the difficulty

which would arise from the fractions, and to afford an accommodation to the State Legislatures, which would be in session before the next meeting of Congress. It would indeed be necessary to pass a law declaring the number of Representatives to be sent by each State; but that would be a mere matter of form, if the ratio were previously ascertained by law.

Mr. F. treated the idea of this bill's being unconstitutional, as altogether unwarranted by fact; for it did not fix the apportionment, but merely the ratio, according to which the Representatives should be apportioned among the States when their respective numbers were known.

Mr. WRIGHT was in favor of postponing, and decidedly opposed to the bill. He was against it, because it proposed to bestow on others a power residing in Congress. If this law were to pass, could the Secretary of State be authorized to declare the number of Representatives to which each State was entitled? Could Congress transfer to him legislative power, and authorize him to declare of how many members this body should consist? He presumed not. The power was vested in Congress, and not in the Secretary of State. But gentlemen were desirous now to fix the number of souls which should entitle to a Representative—and why? That the State Legislatures, understanding the number of Representatives to which they are entitled from knowing the census, may proceed to district their States, in anticipation of the law to be passed by Congress. But their acts would not be conclusive, because Congress might change the ratio, and they would have to undo all they had done. Mr. W. hoped that this business would be postponed, until, as heretofore, Congress would be possessed of all the information of which the nature of the case would admit. When the census was received from the President of the United States they would be much better able to act than now. In this case, Mr. W. said he held himself imperiously bound to follow the steps of his predecessors. He held it a correct maxim in general, that the practice of to-day should be the precedent for to-morrow. Why need they decide this business immediately? There was yet some months in the session, and time enough to reflect on the subject. Why legislate by halves? If this law were passed, Mr. W. asked, was it perfect? Did it declare to how many Representatives each State should be entitled? He said he could refer to cases in which errors had occurred in the census; and it was in the power of the House alone to correct any errors which might have escaped the Secretary of State. In Maryland a mistake had occurred in the last enumeration, of thirty or forty thousand souls. He believed that a great portion of the district comprising Cecil and Hartford counties had been omitted; and he recollected perfectly well that the error was corrected; and, by turning his eye to the proceedings of that day, he could see other errors. He wished, when the

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House acted, that they should do it understandingly, and with all the evidence before them of which the case was susceptible. He hoped the bill would be postponed until the returns of the census were received in the usual mode.

Mr. W. ALSTON opposed the postponement. He was as loth to depart from old practices as the gentleman from Maryland, if those practices were found to be good. But when they proved inconvenient or useless, it was certainly right to depart from them. What, then, had experience taught them on this subject? Why, that if the ratio was not fixed before the census was known, great inconvenience would result to many States. Congress, at their last session, being apprised of the circumstance, had in their law directed that complete returns should be made to the Secretary of State by the first of March next. It was well known that, if they did not fix the ratio before the first of March, they would not be able to fix it after; when the ratio was fixed, however, the apportionment would not be the work of an hour. If it became necessary to deprive a State of a Representative, he asked whether it would not be more palatable that it should be done now than after the census was known? The State deprived of a Representative could not complain; the ratio would affect it in the same proportion, whether it gave or took a member. That argument, therefore, was entitled to no consideration. Mr. A. expressed his surprise that the small States appeared to be opposed to a large ratio; for, if it would be an advantage on any side, it would be decidedly in favor of the small States. He thought, indeed, that the Representatives of the large States, in voting for a large ratio, had shown great magnanimity and liberality.

Mr. GOLDSBOROUGH was in favor of postponement, and was sorry to see the bill attempted to be hurried through. Gentlemen had not maturely considered the subject, and, on reflection, would be convinced that their votes were, if not a direct, at least an indirect, violation of the constitution. This was premature legislation on what properly belonged to the next Congress, and which, act on it as they might, would unquestionably come before Congress at their next session. If it should be found that the ratio agreed on operated unfavorably on the numbers of any State or States, they would be anxious for a reconsideration of the subject. It would be immaterial whether the subject should be brought up by a bill *de novo*, or by a bill to repeal this, if it should indeed become a law; the ardor of discussion would be the same in either case. If this be admitted, the only argument in favor of the bill is done away. The constitution having directed that apportionment should be made accordingly to the whole census, Mr. G. said that he could not see how Congress could fix it before they knew what that census was. He did not know that every gentleman on the floor was ignorant of any of the returns; some might be already apprised of the

returns of their own State. Each one made estimates no doubt, in his own mind, as to the probable result; and, for himself, Mr. G. said he had been endeavoring to make some sort of a calculation; and if the bill passed, and the ratio should prove unfavorable to the numbers of the State which he had the honor to represent, he should feel himself bound to move a repeal of the law; and they would have the whole discussion over again.

The question on the bill's laying on the table was carried—65 to 43.

And on motion, the House adjourned until Monday.

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MONDAY, December 17.

Another member, to wit, from New York, JOHN NICHOLSON, appeared, and took his seat in the House.

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TUESDAY, December 18.

Another member, to wit, from Massachusetts, BARZILLAI GANNETT, appeared, and took his seat.

GEORGE POINDEXTER, the delegate from the Mississippi Territory, also appeared, and took his seat.

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FRIDAY, December 21.

Two other members, to wit: from Virginia, JOHN CLOPTON, and WALTER JONES, appeared and took their seats; a new member, to wit, WILLIAM MCKINLEY, also from Virginia, appeared, was qualified, and took his seat.

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MONDAY, December 24.

Three other members, to wit: WILLIAM HALE, from New Hampshire; BENJAMIN PICKMAN, jr., from Massachusetts; and THOMAS NEWBOLD, from New Jersey, appeared, and took their seats.

*Claims for Military Services in the Old French War.*

Mr. MORROW, from the Committee on the Public Lands, made a report on the several petitions of the officers and soldiers, and the heirs of officers and soldiers who served in the British army in America, in the war between Great Britain and France; which was read, and the resolution therein contained concurred in by the House.

The report is as follows:

The Committee on Public Lands, to whom was referred several petitions, claiming lands for military services, performed in the war of 1755, between Great Britain and France, report:

That, considering the subject-matter of the said petitions highly important, on account of the interest it has recently excited, and the speculation it has given rise to in various parts of the United States, the committee have carefully examined the State papers and public documents, of the period of the above war, to ascertain the original foundation of the

supposed claim. In pursuing this investigation, the committee have not been able to discover that any engagement or contract whatever was made or entered into by the Government, or under the authority of Great Britain, with the officers and soldiers of the provincial troops, serving in the war aforesaid, for a grant of lands, either as an encouragement to their entering into the service, or as a compensation for services. All that the committee have been able to find on the subject is in a proclamation of the King of Great Britain, of the 7th of October, 1763, (after the closing of the war and disbanding of the troops,) and in the following words:

"And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our army, and to reward the same, we do hereby command and empower our Governors of the several provinces on the Continent of North America to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject, at the expiration of ten years, to the same quit-rents as other lands are subject to, in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz:

"To every person having the rank of a field officer, 5,000 acres.

"To every captain, 3,000 acres.

"To every subaltern or staff officer, 2,600 acres.

"To every non-commissioned officer, 200 acres.

"To every private man, 50 acres.

"We do likewise authorize and require the Governors and commanders-in-chief of all our said colonies, upon the Continent of North America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on board of our ships of war in North America, at the times of the reduction of Louisbourg and Quebec, in the late war, and who shall personally apply to our respective Governors for such grants."

In this State paper, the committee can perceive no foundation whatever for the present claim upon the United States. Instead of a contract with the officers and soldiers for land, the proclamation contains a mere instruction to the provincial Governors—an instruction emanating from the munificence of the Sovereign, and for conferring a gratuity, not issued for the satisfaction of any previous claim or demand upon Government. That the grant intended by the above proclamation was rather a testimony of respect and approbation, than a donation of value, appears from the prescribed terms on which it was to be made, they being the same on which lands were granted to others in the provinces, with the exception, that the military grants were to be made free of office fees, and exempt from payment of quit-rents for ten years. Had application been made to the land offices of the provincial governments, as was the duty of all the claimants, there can be no doubt but that grants would have been readily made to the full extent of the bounty intended by the proclamation, subject, however, to the usual condition for settlement and improvement. Forty-seven years have now elapsed since the foregoing proclamation, during which period the above claims have laid dormant, and the committee do conceive, that, upon fair and just principles, those claims would have been considered derelict and abandoned had the Government,

under which they arose, continued; but to admit them against the United States, placed as they now are, under a government founded on a revolution, which has intervened, is required by no principle of justice, and would, in the opinion of the committee, be an unauthorized disposition and sacrifice of the public property of the United States. On no principle of national law, or by any treaty or convention between the United States and Great Britain, are the United States bound to perform the engagements of the former government of Great Britain, especially for mere bounties; nor would the purposes for which the several States have ceded land, within their respective jurisdictions, to the United States, warrant the appropriation of those lands for the satisfaction of the claims in question, were the same better founded than by the committee they are conceived to be. The committee, therefore, beg leave to submit the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.

MONDAY, December 31.

Another member, to wit, from Delaware, NICHOLAS VAN DYKE, appeared, and took his seat.

WEDNESDAY, January 2, 1811.

Two other new members, to wit: from New Hampshire, NATHANIEL A. HAVEN; and from Maryland, JOHN CAMPBELL, appeared, and took their seats.

### *Orleans Territory.*

The House resolved itself into a Committee of the Whole, on the bill for admitting the Territory of Orleans as a State into the Union.

Mr. BIBB said it was very far from his intention to oppose the passage of the bill. On the contrary, he was favorably disposed to it; but a difficulty had occurred to him which he would state as a reason for delaying a decision on the bill for the present. The bill proposed including in the State all that part of the Territory which lay west of the Perdido, &c. The President, by his Proclamation, although he had required its occupation, he declared that the right should be subject to negotiation. Now, if it became a State, would not all right of negotiation on the subject be taken from the President?

Mr. BARRY said that the necessity of State government, the want of proper control by the General Government, and its inability to attend to the municipal concerns of the Territory, imperiously called upon Congress to erect it into a State. It was unimportant, as respected the ratio, that the bill should be delayed till that was ascertained. Although the precise population could not be ascertained, yet, from what had fallen from the gentlemen from Orleans and Mississippi Territories, it was probable that the Territory had already a right to become a State. Mr. B. said it was important that Congress should act on this subject, for a

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variety of reasons. It was a point of the Union particularly important to the country which he represented. New Orleans commanded the river through which the whole productions of the Western and of some part of the Southern country were carried to market. It became important in another respect, that the people in that country should have the power of self-government. He alluded to the necessity, in the present posture of affairs, that they should have the power of self-preservation to protect themselves in the enjoyment of their rights, and that the power resulting from State sovereignty ought therefore to be extended to them at this time. The objection which has been urged, respecting the question of title, was equally unimportant. Admitted in its full force, it would only require a modification of the bill, reserving to Congress the power of changing the boundary of the Territory; and this would be a desirable modification because of the undefined limits of the Territory. This objection did not meet the merits of the bill, but merely suggested a modification. It was important now to act on the subject, because Congress had the power to impose conditions on the Territory. If they waited until it had attained a population of 60,000, they could not say no to the demands of these people.

Mr. SHEFFREY said he was not prepared to act on the subject, because the materials on which to decide were not before the House. Whilst he was disposed to treat the inhabitants of the Orleans Territory as brothers, and not as vassals, he was not ready to transfer the inheritance purchased by the blood of our fathers to foreigners. While he looked upon these people as equals, and was disposed to do them justice, he thought all they could demand at his hands was to be placed on that equality to which they were entitled. It had been said that the population was this much or that much. How much?—Mr. S. asked. Sixty thousand? Forty thousand? Thirty thousand? Would any gentleman who regarded his honor tell the House that there were 80,000 inhabitants in the undisputed Territory? He believed not. And would gentlemen favor this French population at the expense of their own interests and rights? It was true indeed that Ohio became a State before she had 60,000; but the ratio of representation was then but 80,000. If he were to reason on this subject, Mr. S. said he would say, under the fostering hand of the General Government, let them become accustomed to our Government, before those were permitted to govern themselves who had so lately emerged from despotism. He was not, he said, directly hostile to the admission of this Territory into the Union; but he made these observations in answer to speculations unshared in to lead the House from its duty. They ought to have the necessary information.

Mr. MAON said he would treat these people as he would the people of every other Territory. They were a part of the nation, and so

ought to be considered. There ought to be no question as to what stock they sprung from; the true question was, ought they to be a State? The true policy, Mr. M. thought, was, as they were to become a part of the United States, to make them one and indivisible as soon as possible. They had already served a sufficient apprenticeship to the United States, but not under a free Government, for the Territorial governments were not free. The advantage of exacting of them the condition of using the same language, was a great one. How could they be made one with the United States unless by the use of the same language? Mr. M. wished to treat this Territory as well as the others, and no better; he would not treat one as a daughter and the other as a step-daughter. He was as willing now to make Orleans a State as he had been to make Ohio a State. The great object is to make us one people; to make this nation one. As to the Mississippi Territory, it had not served a much longer apprenticeship than Orleans, having only been acquired by the treaty with Spain in 1795. The people of Orleans possessed certainly as strong an attachment to the nation as could be expected from the time they had belonged to it. When the Spaniards invaded the Territory, they stepped forward promptly to repel them; and when some citizens of the old States forgot the love every honest heart owes to his country, they showed their attachment to the Union by the readiness with which they lent their aid to repel them. To make them a State would make that attachment still greater, and it was therefore advisable to act on the subject.

The committee now rose, reported progress, and asked leave to sit again; but before leave was granted, the House adjourned.

FRIDAY, January 4.

*Territory of Orleans.*

The House resolved itself into a Committee of the Whole on the bill for admitting the Territory of Orleans into the Union as an independent State, &c.

Mr. WHEATON.—Whenever a bill is offered for our sanction, in order that it may become a law, it is proper, before we give it such sanction, that we should inquire whether the subject of it is such as we have constitutional authority to legislate upon; and if so, whether, from a consideration of time and circumstances, it be expedient so to do.

It appears to me that the bill now before us is objectionable on both these grounds, and, if so, there is a double reason why it should not pass. A few moments will be sufficient for the remarks I have to make upon either; and, if they shall be deemed of no consequence, there will be this consolation, that they will have occupied but very little time.

The subject of this bill is the Orleans Territory, and the object of it, to form that Territory into a State, the people of which are to be

subject to the same duties, and entitled to the same privileges, as the people of the United States in their federative capacity. It will be observed that our constitution, by its enacting clause, was ordained and established for the *then* United States of America. The United States being thus included, implies an exclusion of all others. It may, therefore, be fairly concluded that those that framed this constitution, and those that adopted it, never intended that its immediate operation should extend to any people that did not then, or that should not thereafter be included within the limits of the United States; that they did not intend to enter into a partnership of this sort without some knowledge of those that should compose it, lest the improper conduct of some might end in the ruin of all. The Territory of Orleans certainly was not within the limits of the United States when the constitution was established. It was known to be otherwise. The people there were foreigners to us, and subjects of another Government. That it could not have been intended that the constitution should embrace these people and this Territory, may be argued from the extreme danger of carrying the principle into operation. If we may extend our limits at all, without the consent of the people, further than what is expressed in the constitution, who can tell where will be our ultimate bounds, or what number of States we may have in the Union? Purchase and conquest are objects of ambition. The great Napoleon may have more land to sell, and Spain now possess what she cannot retain. May we not, in time, have the whole of South America, some of the West India islands, and, possibly, Great Britain? And if so, upon the same principle that we form the Territory of Orleans into a State, we may form these Territories into as many separate States as we please, and admit them into the Union with all the powers and privileges that any of our States now possess and enjoy. Then what will become of the Old United States, who first entered into the compact contained in the constitution, and for whose benefit alone that instrument was made and executed. Instead of these new States being annexed to us, we shall be annexed to them, lose our independence, and become altogether subject to their control. Besides, it may be recollected, that, when our independence and national existence was acknowledged by the other nations of the world, the Territory now proposed to be received into the Union made no part of the United States so acknowledged; if, therefore, this be done, a jealousy may be created in those other nations, and, possibly, they may have some reason to complain that, in addition to the immense increase of population within our ancient limits, we should extend our boundaries so far as to include other countries. This, however, by those who justify the Governments of other nations in the pursuit of their projects for universal domination, will be thought deserving of very little

consideration. But, it may be well questioned how far the taking of positions that may lead to war comports with that pacific disposition which the people of the United States have been so anxious to maintain; and, whether the obligation they have placed themselves under, by adopting the constitution, to guaranty to every State in the Union a republican form of government, and to protect each of them against invasion, can be made to extend to the Orleans Territory; or, whether the President can have any authority to send our militia there to repel any invasion or suppress any insurrection that may happen there, are inquiries worth some attention before we pass this act. And there will be found another difficulty in the way of carrying the object of it into full effect. If the people of that Territory are admitted into the Union as a State, on an equal footing with any of the *now* United States, they will have a right to send to our Legislature not only Representatives in proportion to their numbers, but, also, two Senators, and the constitution makes it a necessary qualification for a Senator that he should have been a citizen of the United States at least nine years, a period further back than it can be pretended that any of the people of that Territory ever belonged to the United States, unless they be emigrants, and have not, thereby, lost their citizenship. And a President of the United States they never can have from among their own people, unless he be yet to be born, for no person except a natural born citizen, or a citizen of the United States at the time of the adoption of the constitution, can be eligible to the office of President. But, it has been said that Congress have already passed a law, wherein they have stipulated with those people, that they shall be formed into a State when they shall have gained a certain number of inhabitants. In answer to this, it is sufficient to say that, if it be incorrect to promise to do a wrong thing, it is more incorrect still to do it. If this bill be unconstitutional, so was that law.

But, in opposition to all this, it will, undoubtedly, be said that several new States have been formed by Congress since the adoption of the constitution, and that they are well authorized by that instrument. This is admitted. "New States may be admitted by the Congress into this Union." But, if we look into the article where this authority is to be found, we shall find it applicable to the territories then included within the limits of the United States, or to a division of some of the States then already formed; beyond which, it is believed, this authority has never been exercised. The Old Confederation did expressly authorize the admission of Canada into the Union, but the present constitution does not. If such an authority had been proposed to have been given to Congress by it, perhaps it had never been adopted.

If, however, it should be believed that this bill might pass into a law, in strict conformity with the spirit and letter of the constitution, it

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is apprehended that the measure would be extremely impolitic and inexpedient at the present moment. We have not even the possession of a part of the country proposed to be embraced by this bill, and both title and possession have been disputed. It is true we have bought the whole country, and dearly paid for it, but still, if we have not a just title, we ought not to expect to hold it; and it is now admitted to be a subject of negotiation; and, even if our titles shall be found to be good, and we gain a peaceable possession, still, if we have a right to buy a thing, I know not why we may not sell it. But, as the expediency of this measure has been considered by other gentlemen, I forbear to add to the remarks I have already made.

Mr. MILLER said it would be observed that there were two applications to this House for admission into the Union as States; one from the Mississippi Territory, and the other from the Orleans Territory. The latter only, said he, is contemplated by the bill before you. Neither of these Territories have the number of inhabitants required by law to enable them to demand their admission into the Union as a matter of right. It may, therefore, be said with propriety to be an application for a favor, going directly to an amicable discussion, and which we may grant or refuse without running the risk of breaking any legal or moral obligation.

It has been objected against this bill that the population of the State proposed will not be American. Without intimating how far this consideration may have influence on my mind, under the circumstances in which that country has been lately placed, I cannot, however, but remark that it is natural for man to carry his feelings and prejudices about him. I was born in Virginia, sir, and I have not yet lost some of my Virginia feelings, notwithstanding an absence of fifteen years, and I cannot see why we should expect the people of Orleans to act and feel differently from other people, more particularly, when the French nation is towering so far above the other nations of the earth; they will have a secret pride in their glory, they will have some attachments, to what extent I cannot say; but, inasmuch as we know that if we send Paddy to Paris, that Paddy he will come back, the idea is certainly not unworthy of our consideration.

The bill on your table has another objection, of some weight with me, in relation to its policy. You propose to do them a favor by granting them an admission to the rank of other States before they can legally demand it, and, at the same time, you propose terms beyond which they cannot go. This, sir, resembles very much a polite invitation to walk in, but under an injunction to see that your feet are well cleaned, and your toes turned out. It is a niggardly sort of policy that I am sorry to see engrafted in the bill. If you design to be liberal, be so; do not destroy your liberality by an ungenerous sentiment.

Again, sir, there are objections to the bill, as presented, that renders it impossible for me to give it my sanction. It will be seen, sir, that the bill proposes to annex that portion of West Florida in dispute between this and the Spanish Government to the State to be formed out of the Territory of Orleans. The President has declared to the world that this portion of the country, in our hands, shall be subject to mutual arrangements, hereafter to be entered into between the two Governments. But, once annex it to a State and the power to negotiate ceases. What power have we to negotiate about the territory of any of the States? We have none.

Again, sir, I never will consent that the bay of Mobile shall be annexed to any State which includes New Orleans and the mouth of the Mississippi, unless, indeed, they are both included in the same State with the whole country north, up to the Tennessee line.

If you annex West Florida to the State to be composed of the Orleans Territory, they will then possess a narrow slip of the country, including nearly the whole of the seacoast of Orleans, (including the bay of Mobile,) with a most extensive up-country, composed of a great part of the Mississippi Territory, and, I may say, Tennessee, wholly dependent on them, perhaps, for leave to go out into the bay, and, certainly, for the improvement of its navigation. And this, sir, is rendered more probable, as we know men act mostly for their own interest. And, as New Orleans, from its present population, will govern the councils of that State, let me ask, sir, if it will not be their interest, as much as possible, to divert the trade and capital from the Mobile to the Mississippi? And what security have we that she will not do so? None; and from the nature of our Government can have none.

Upon the plan I propose, from the extent of the country proposed to be annexed, the people who inhabit it, in time, will have the preponderance, and their interest will dictate the proper course to be pursued in relation to the free passage of the Mobile.

We may, also, with some certainty, pronounce that the population of the Mississippi, if it is not now, will, in a few years, be the greatest slave population, in proportion to the whites, of any country in the United States. Is it, then, of no consequence to have those settlements so connected with others, composed of whites, as that they may, at all times, be able, within the limits of their jurisdiction, to suppress insurrections of that sort? Is not this a consideration that ought to be taken into account? I, therefore, move you, sir, to strike out the whole of the bill, from the words "a bill," for the purpose of inserting a section by way of amendment, the effect of which will be to consolidate both the Territories into a single State, which will include the whole of the country belonging to the United States, east of the Mississippi, and south of the State of Tennessee. This plan

will avoid the objections made to the want of numbers, and will give, also, an American population to the State, if that should be desirable; and will, also, avoid the difficulty occasioned from the situation in which West Florida is at this time placed. To this plan I can see but one objection that ought to have any sort of influence, and that, sir, exists more in idea than reality. It is to the size of the proposed State. Divide and subdivide this country as you will, their interests, in a political point of view, will be the same. Their representation in this House will neither be increased nor diminished by a consolidation. In the Senate, the plan proposed is greatly to the advantage of the old States. In that House, they will have but two Senators instead of four or six, according to the number of States that may be made.

There is, also, no legal objection to this plan. The Treaty of 1808 with the French Republic, only provides for their admission into the Union, without regard to their territorial limits, and there is no law repugnant to the plan.

Mr. GHOLSON said that the observations of the gentleman from North Carolina (Mr. MACON) had rendered it unnecessary for him to make many of the remarks to the committee which he had intended. In no point of view, said Mr. G., in which this subject has been considered, can I perceive any reason for adopting the amendment offered by the gentleman from Tennessee, (Mr. MILLER.) If that gentleman will only advert to the treaty of cession between France and the United States, and to the act of Congress passed pursuant to that treaty, he will readily discover that the amendment, he proposes cannot be sanctioned without a manifest violation of public faith. By the third article of the treaty, it is stipulated that "the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." On the second of March, 1805, Congress proceeded by an act of legislation to fulfil this engagement with France; and accordingly, by the 7th section of that act, provided "that whenever it shall be ascertained by an actual census or enumeration of the inhabitants of the Territory of Orleans, taken by proper authority, that the number of free inhabitants included therein shall amount to sixty thousand, they shall thereupon be authorized to form for themselves a constitution and State government, and be admitted into the Union upon the footing of the original States, in all respects whatever, conformably to the provisions of the 8d article of the treaty concluded at Paris on the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic." Now, if to the Orleans Territory you add the Mississippi Territory, and of the *two* erect *one* State, you evidently will not comply either with your stipulations with the French Republic, or with

your covenant to the Orleans Territory. For, by these you have agreed that Orleans shall become a State and not part of a State only; and there is a wide and substantial distinction between incorporating that Territory, together with other Territories into a single State, as but a fractional part thereof, and authorizing the people of that Territory "to form for themselves a constitution and State government, and to be admitted into the Union upon the footing of the original States." In the former case they may possibly have no influence whatever in appointments to the other branch of the Legislature, and all their interior regulations may also, by possibility, be dictated to them by an ascendant population in the remainder of the State. In the latter case they will, of course, have the entire direction in regard to their system of police and their State institutions, and will moreover have a right, not participated in by any other persons, of sending two Senators to Congress. In fact they will be a distinct State sovereignty. Surely, then, there is a great and obvious difference between what we have so often promised these people, and what is now proposed for them.

Mr. BEE conceived that the House could not adopt such an amendment as that proposed, without the consent of Georgia; for without her consent they could not make an addition to or division of the Mississippi Territory. It was true, he said, that he had on a former day proposed to make an addition of territory to the Mississippi Territory, but it was only during such time as it should remain a Territory. To this there could be no objection, as there was no prohibition to it in the compact. It had been his intention, if the House had thought proper to sanction his motion, to have made a proposition to the State of Georgia to admit that territory to be incorporated with the Mississippi. The amendment now offered evidently proposed a violation of the compact with Georgia.

Mr. MACON said this bill had taken rather a curious course. The principle and detail had both been attacked; and yet no proposal had been made to try whether the House would legislate on the subject. He had proposed an amendment to do away some of the objections to the detail; but instead of being allowed to amend the bill, the House were met by a constitutional objection, from the gentleman from Massachusetts (Mr. WHEATON) to the power of Congress to make a State. If this objection was good, Mr. M. said, he admitted the bill ought not to pass; for, Mr. M. said, on this point he could not agree with the gentleman from Tennessee, that because a treaty had been made in relation to it, it was too late to object to the constitutionality. Mr. M. said no; it was never too late to return to the constitution. If the article of the constitution, however, did not mean that Congress might take States out of new Territories, what did it mean? There was no occasion for it in relation to the old Ter-



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ritories; for the ordinance of the Old Congress had secured to them the right; and these ordinances were as binding as the treaties which Congress had entered into. The change of the form of Government did not affect national obligations. The right to become States was one which Congress could not take from the old Territories. The right of creating States out of acquired Territories, was one which he had always contended for; and it had been stated by at least one of those who formed the constitution, that this article had reference to Canada. "New States may be admitted by the Congress into the Union." At the time this provision was made, Florida and Louisiana were not thought of. Canada was the Territory kept in view. Much, sir, said Mr. M., as the United States wanted the southern country, and great as is the convenience of possessing it, I never would have consented to have taken it to have kept them in Territorial government forever. I do not want provinces. I am extremely sorry, sir, that whenever this subject is agitated, we are met by the objection that these people are of French descent. I have before expressed my opinion on this subject, and it is needless to repeat it; but if gentlemen wish them to become our brethren in reality, make them our equals; act just towards them. Do unto them as you would they should do unto you, and make them your friends. I know an opinion is entertained that only those who are of the favored race can be free. I know, sir, that the English nation has been freer than any other; but the time has been that Holland, Sweden, and others, have been free—power, however, overcame right, and the people lost their liberties.

I cannot consider it any question for our consideration, who shall be their Senators and who their Representatives. They have had some time a delegate, and will find delegates in the Senate as well as the House of Representatives. It seems to me, sir, that the gentleman from Tennessee need not to have referred to the dispute between the Potomac and the Delaware, because the constitution has put an end to these sources of strife. It is true, sir, that the Orleans Territory is a slave country, and I would be glad if they could get clear of them; but that does not at all affect this question.

The present situation of Mobile and Orleans is the reason why I want some alteration in the bill. I would rather not have them under the same Government. I have endeavored to ascertain the present population of the Orleans Territory, so called. There is a difference of opinion among those well informed on the subject, from 45,000 to 55,000. He wished gentlemen would permit them to try the question on the principle of the bill, and ascertain whether the House would do any thing with it or not.

Mr. POINDEXTER observed that the proposition of the gentleman from Tennessee for incorporating the present Mississippi Territory with West Florida and the Island of Orleans, to the

sea, with a view to form of the whole one State, did not meet his approbation. From the Tennessee line, which would be the northern boundary of the State, to the confluence of the Mississippi with the bay of Mexico, is a distance of from eight hundred to a thousand miles, in the nearest direction, and following the meanders of the river, not less in my opinion than twelve hundred miles. Taking the distance generally from the Mississippi to the Georgia line, I should judge it to be about five hundred miles, and from the northernmost point of the State of Georgia to the junction of the Chatahoochee with the sea, cannot be far short of a thousand miles. This vast tract of country, in my humble conception, is too extensive for the purpose of local State government. Indeed, sir, it could hardly be expected, over such an immense territory, interspersed with numerous tribes of Indians, that even the Executive functionaries of Government could be able to perform their duty in the execution of their laws.

That geographical limits, other than those which now divide the Orleans and Mississippi Territories, might be designated, to comport more with the future convenience and prosperity of the country, cannot be denied. I would suggest for the reflection of gentlemen who have to act on this subject, the expediency of making the great river Mississippi the high road between the Eastern and Western States, to be formed on its waters; that no one State should possess both banks of that river. In that event, to commence on the eastern shore at the mouth of the Yazoo, in latitude 32° 30'; thence in a direct line to the head-waters of the Chatahoochee, thence to the sea, and along the coast, in a southwestern direction, to Lake Barrataria, thence up the Chafalaga to its junction with the Mississippi, and thence up that river to the mouth of the Yazoo. This tract of country would include about three degrees of latitude; it would combine all the settlements on the Eastern side of the Mississippi, except the county of Madison, which could be disposed of as the wisdom of Congress might hereafter direct. There are various political considerations which operate in favor of the formation of such a State. The people of the Territory of Orleans are petitioning to become an independent State, and I for one hope the prayer of their petition will in substance be granted. It is said that the French population of the city of New Orleans are unfriendly to the American Government. That they have strong prejudices in favor of France. Although, sir, I do not attach so much importance to that circumstance as some gentlemen do, I am willing to admit that French emigrants in Louisiana feel an attachment to their native country. I do not blush to say that were I in France, or any other foreign country, I could never forget that I was born an American citizen. I could never relinquish my attachments to the land of freedom, in which I inhaled my first breath. Judging therefore, of the feelings of others, by my own, I

cannot doubt that many influential French inhabitants of New Orleans entertain a predilection for the country which gave them birth. But, sir, within the limits which I have submitted to the consideration of the committee, there is an American population at least sufficient to neutralize every exotic prejudice which may exist in New Orleans. A people whose origin, whose feelings and principles are American, and who are prepared to rally around the standard of the constitution, in every scene of difficulty and of danger.

Mr. MILLER's amendment was not agreed to.

MONDAY, January 14.

*Orleans Territory.*

The House resumed the consideration of the engrossed bill to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes.

The bill being on its final passage—

Mr. PITKIN said he had heretofore stated that he had some objections to the bill, which he had intended to have stated to the House when the bill was capable of amendment, but that he had not an opportunity so to do. I have stated, said Mr. P., that it was probable there would be some difficulty between Orleans, when it becomes a State, and the United States, respecting the extent of the State westward. I stated that the United States, in consequence of the purchase of Louisiana with the same extent that it had when Spain and France possessed it, had claimed the territory as far as the river called Rio Bravo; that the negotiations on this subject between the Governments of the United States and Spain were probably unknown to many members of the House, and that it required a pretty accurate knowledge of them, of the extent of the claim, and of the geography of the country, to understand precisely what I meant. I stated that there was an extent of country between a meridional line passing through Nacogdoches and Rio Bravo, of four or five hundred miles in width, which the United States had claimed as being their property. In the negotiations between the two countries, the United States offered to cede all the country between the Rio Bravo and the Colorado running east of it to Spain, on the condition that Spain would cede to the United States all the territory west of the Perdido. This proposition was rejected. Our Commissioners were instructed to assert our title as far as the Rio Bravo, or at least to the Bay of St. Bernard. It is so stated by the President of the United States in the introduction to the compilation of the land laws, in which he states that we unquestionably have a right to the country as far west as the sources of the rivers which fall into the Mississippi, to the sources of the Red River, Arkansas, and Missouri; that with respect to the territory immediately bounding on the Gulf

of Mexico, we have claims to the "province of Texas," which it is well known is a very large province. By the bill before us, according to this construction, jurisdiction is extended over this very province; and it may be, and in fact will be, in the power of the State of Orleans to say that our limits extend so far, and therefore to extend their jurisdiction in like manner. In my apprehension, therefore, it is important, while we are making this Territory a State, where the boundaries are disputed, to retain in our own hands the power of settling them. It is known that, by the law which passed providing for the government of the Territory of Orleans, we had liberty to alter the boundary before we made them a State, but not after. Will it not be in the power of the new State to insist on their right to jurisdiction over the territory, at least as far west as the Colorado, and to prevent the United States from ceding any part of it? For instance, sir, the United States may wish, as we have taken Florida as far as the Perdido, subject to future negotiation, to make this arrangement: to cede to Spain a certain proportion west for East Florida. Now, sir, I ask when we have made this country a State if we can do this? I believe it will be said by every person that we cannot, after she becomes a State, alter the boundaries without her consent. I do apprehend, therefore, there will be difficulties on the subject hereafter, if the United States should attempt to settle the boundary in a manner disagreeable to the State; because, if they cannot extend their jurisdiction west of a meridional line passing through Nacogdoches, the territory will be in extent east and west but about one hundred miles, and north and south about one hundred and twenty, and this will make them comparatively a small State.

As the United States have settled a provisional line, to wit: a meridional line through Nacogdoches, it should not be in the power of the new State to extend its jurisdiction beyond that line. Provision might be made in this way: The western boundary might be made to conform to the provisional line; and a provision might then be made that there should be reserved to the United States the privilege of adding to it whatever land it should acquire westwardly. Such a provision would leave us at liberty to settle the limits without the interference of that State, and without, I apprehend, much difficulty. This was done in relation to the State of Ohio. Unless the right had been reserved, the consent of the State would have been necessary to a cession, or other alteration of its boundary. Such a course in this case will be perfectly safe for the United States, as well as for the new State. I wish we may so regulate the Territory as there may not in future be any collision between the State and the United States. The province of Texas is in the viceroyalty of New Spain. We know that the Viceroy sent his troops to oppose the passage of our troops, and a provisional line was established. New Spain is very powerful, and I

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should be very sorry that the new State should have power to embroil the United States with it. I would ask the chairman of the committee who reported this bill, what were his views respecting the western boundary, and how far it was his idea that the new State should extend, and whether it would not comport with his ideas that the change which I have suggested should be made? I could have wished that the bill was in such a state of its progress that I could have moved an amendment; but, as it is, unless I am satisfied that we shall not be involved in difficulty by the consequences I have stated, I shall be unwilling to pass the bill, and must vote against it.

Mr. QUINCY.—Mr. Speaker, I address you, sir, with an anxiety and distress of mind with me wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me, it appears that it would justify a revolution in this country; and that, in no great length of time, may produce it. When I see the zeal and perseverance with which this bill has been urged along its Parliamentary path, when I know the local interests and associated projects, which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate. But, sir, while there is life, there is hope. So long as the fatal shaft has not yet sped, if Heaven so will it, the bow may be broken, and the vigor of the mischief-meditating arm withered. If there be a man in this house, or nation, who cherishes the constitution under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave, by the prospect it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions. What, then, must be my feelings; what ought to be the feelings of a man cherishing such sentiments, when he sees an act contemplated which lays ruin at the root of all these hopes? When he sees a principle of action about to be usurped, before the operation of which the bands of this constitution are no more than flax before the fire, or stubble before the whirlwind? When this bill passes, such an act is done, and such a principle usurped.

Mr. Speaker, there is a great rule of human conduct, which he who honestly observes cannot err widely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fear-

less in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion, that, if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must.

Mr. QUINCY was here called to order by Mr. POINDEXTER.

Mr. QUINCY repeated, and justified the remark he had made, which, to save all misapprehension, he committed to writing, in the following words: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation, and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must."

After some little confusion,

Mr. POINDEXTER required the decision of the Speaker whether it was consistent with the propriety of debate, to use such an expression. He said it was radically wrong for any member to use arguments going to dissolve the Government, and tumble this body itself to dust and ashes. It would be found, from the gentleman's statement of his language, that he had declared the right of any portion of the people to separate—

Mr. QUINCY wished the Speaker to decide, for if the gentleman was permitted to debate the question, he should lose one-half of his speech.

The SPEAKER decided that great latitude in debate was generally allowed; and that, by way of argument against a bill, the first part of the gentleman's observations was admissible; but the latter member of the sentence, viz.: "That it would be the duty of some States to prepare for a separation, amicably if they can, violently if they must," was contrary to the order of debate.

Mr. QUINCY appealed from his decision, and required the yeas and nays on the appeal.

The question was stated thus: "Is the decision of the SPEAKER correct?" And decided—53 yeas; 56 nays.

So the decision of the speaker was reversed; Mr. QUINCY's observations were declared to be in order; and he proceeded.

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights of the people, in one of their representatives. When I spoke of a separation of the States as resulting from the violation of the constitution, contemplated in this bill, I spoke of it as of a necessity, deeply to be deprecated; but as resulting from causes so certain and obvious, as to be absolutely inevitable when the effect of the principle is practically experienced. It is to

preserve, to guard the constitution of my country, that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset. These observations are not made in a corner; there is no low intrigue; no secret machinations. I am on the people's own ground—to them I appeal, concerning their own rights, their own liberties, their own intent in adopting this constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged, whether it be not a voice of wisdom.

The bill, which is now proposed to be passed, has this assumed principle for its basis—that the three branches of this National Government, without recurrence to conventions of the people, in the States, or to the Legislatures of the States, are authorized to admit new partners to a share of the political power, in countries out of the original limits of the United States. Now, this assumed principle I maintain to be altogether without any sanction in the constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature, dissolving, according to undeniable principles of moral law, the obligations of our national compact; and leading to all the awful consequences which flow from such a state of things.

Concerning this assumed principle, which is the basis of this bill, this is the general position on which I rest my argument—that if the authority, now proposed to be exercised, be delegated to the three branches of the Government, by virtue of the constitution, it results either from its general nature, or from its particular provisions. I shall consider distinctly both these sources, in relation to this pretended power.

Touching the general nature of the instrument called the Constitution of the United States, there is no obscurity—it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of past, unexplored ages; it is the fabric of our day. Some now living, had a share in its construction—all of us stood by, and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions:

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution, for the United States of America.”

It is, “we, the people of the United States, for ourselves and our posterity;” not for the people of Louisiana; nor for the people of New Orleans, or of Canada. None of these enter into the scope of the instrument; it embraces only “the United States of America.” Who

those are, it may seem strange, in this place, to inquire. But truly, sir, our imaginations have, of late, been so accustomed to wander after new settlements to the very end of the earth, that it will not be time ill-spent to inquire what this phrase means, and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitely the name by which they would be designated. In 1774, they called themselves “the Colonies and Provinces of North America.” In 1775, “the Representatives of the United Colonies of North America.” In the Declaration of Independence, “the Representatives of the United States of America.” And finally, in the Articles of Confederation, the style of the confederacy is declared to be “the United States of America.” It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this constitution, not content, simply, with declaring that it is “we, the people of the United States,” who enter into this compact, adds that it is for “the United States of America.” Concerning the territory contemplated by the people of the United States, in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, and St. Croix, the lakes, and more precisely, so far as relates to the frontier, having relation to the present argument, within “a line to be drawn through the middle of the river Mississippi, until it intersect the northernmost part of the thirty-first degree of north latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean.”

I have been thus particular to draw the minds of gentlemen, distinctly, to the meaning of the terms used in the preamble; to the extent which “the United States” then included; and to the fact that neither New Orleans nor Louisiana were within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say, that there is nothing in the general nature of this compact from which the power contemplated to be exercised in this bill results. On the contrary, as the introduction of a new associate in political power implies, necessarily, a new division of power, and consequent diminution of the relative proportion of the former proprietors of it; there can, certainly, be nothing more obvious, than that from the general nature of the instrument no power can result to diminish and give away to strangers any proportion of the rights of the original partners. If such a power exists, it must be found, then, in the particular provisions in the constitution. The question now arising is, in which of these provisions is

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given the power to admit new States, to be created in territories, beyond the limits of the old United States. If it exists anywhere, it is either in the third section of the fourth article of the constitution, or in the treaty-making power. If it result from neither of these, it is not pretended to be found anywhere else.

That part of the third section of the fourth article, on which the advocates of this bill rely, is the following: "New States may be admitted, by the Congress, into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." I know, Mr. Speaker, that the first clause of this paragraph has been read, with all the superciliousness of a grammarian's triumph. "New States may be admitted, by the Congress, into this Union." Accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is not here an express authority?" I have no doubt this is a full and satisfactory argument to every one, who is content with the mere colors and superficialities of things. And if we were now at the bar of some stall-fed justice, the inquiry would insure victory to the maker of it, to the manifest delight of the constables and suitors of his court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their constitution. These are not to be made the victims of the inevitable obscurity of general terms; nor the sport of verbal criticism. The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling-books are, here, of no authority. Neither Johnson, nor Walker, nor Webster nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power, reserved by this constitution, to every State in the Union. Have the three branches of this Government a right, at will, to weaken and outweigh the influence, respectively secured to each State, in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States? The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this bill be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre, in which this Government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop, until the very name and nature of the old partners be overwhelmed by new comers into the Confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article is, therefore, an inquiry of most serious import; and is to be settled only

by a recurrence to the known history and known relations of this people and their constitution. These, I maintain, support this position: that the terms "new States," in this article, do intend new political sovereignties, to be formed within the original limits of the United States; and do not intend new political sovereignties with territorial annexations, to be erected without the original limits of the United States. I undertake to support both branches of this position to the satisfaction of the people of these United States. As to any expectation of conviction on this floor, I know the nature of the ground; and how hopeless any arguments are, which thwart a concerted course of measures.

I recur, in the first place, to the evidence of history. This furnishes the following leading fact: that before, and at the time of the adoption of this constitution, the creation of new political sovereignties within the limits of the old United States was contemplated. Among the records of the old Congress will be found a resolution, passed as long ago as the 10th day of October, 1780, contemplating the cession of unappropriated lands to the United States, accompanied by a provision that "they shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States." Afterward, on the 7th of July, 1786, the subject of "laying out and forming into States" the country lying northwest of the river Ohio, came under the consideration of the same body; and another resolution was passed recommending to the Legislature of Virginia to revise their act of cession, so as to permit a more eligible division of that portion of territory derived from her; "which States," it proceeds to declare, "shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780." All the Territories to which these resolutions had reference, were undeniably within the ancient limits of the United States.

Here, then, is a leading fact, that the article in the constitution had a condition of things, notorious at the time when it was adopted, upon which it was to act, and to meet the exigency resulting from which, such an article was requisite. That is to say: new States, within the limits of the United States, were contemplated at the time when the foundations of the constitution were laid. But we have another authority upon this point, which is, in truth, a contemporaneous exposition of this article of the constitution. I allude to the resolution, passed on the 8d of July, 1788, in the words following:

[Here the resolution was read.]

In this resolution of the old Congress, it is expressly declared, that the Constitution of the

United States having been adopted by nine States, an act of the old Congress could have no effect to make Kentucky a separate member of the Union, and that, although they thought it expedient that it should be so admitted, yet that this could only be done under the provisions made in the new constitution. It is impossible to have a more direct contemporaneous evidence that the case contemplated in this article was that of the Territories within the limits of the United States; yet the gentleman from North Carolina, (Mr. MACOON,) for whose integrity and independence I have very great respect, told us the other day, that "if this article had not territories within the limits of the old United States to act upon, it would be wholly without meaning. Because the ordinance of the old Congress had secured the right to the States within the old United States, and a provision for that object, in the new constitution, was wholly unnecessary." Now, I will appeal to the gentleman's own candor, if the very reverse of the conclusion he draws is not the true one, after he has considered the following fact: That, by this ordinance of the old Congress, it was declared, that the boundaries of the contemplated States, and the terms of their admission, should be, in certain particulars, specified in the ordinance, subject to the control of Congress. Now, as by the new constitution the old Congress was about to be annihilated, it was absolutely necessary for the very fulfilment of this ordinance, that the new constitution should have this power for the admission of new States within the ancient limits, so that the ordinance of the old Congress, far from showing the inutility of such a provision for the Territories within the ancient limits, expressly proves the reverse, and is an evidence of its necessity to effect the object of the ordinance itself.

I think there can be no more satisfactory evidence adduced or required of the first part of the position, that the terms "new States" did intend new political sovereignties within the limits of the old United States. For it is here shown, that the creation of such States, within the territorial limits fixed by the treaty of 1788, had been contemplated; that the old Congress itself expressly asserts that the new constitution gave the power for that object; that the nature of the old ordinance required such a power, for the purpose of carrying its provisions into effect, and that it has been from the time of the adoption of the federal constitution, unto this hour, applied exclusively to the admission of States, within the limits of the old United States, and was never attempted to be extended to any other object.

Now, having shown a purpose, at the time of the adoption of the Constitution of the United States, sufficient to occupy the whole scope of the terms of the article, ought not the evidence be very strong to satisfy the mind, that the terms really intended something else, besides this obvious purpose; that it may be fairly extended to the entire circle of the globe, wherever

title can be obtained by purchase, or conquest, and the new partners in the political power may be admitted at the mere discretion of this Legislature, any where that it wills. A principle thus monstrous is asserted in this bill.

But I think it may be made satisfactorily to appear not only that the terms "new States" in this article did mean political sovereignties to be formed within the original limits of the United States, as has just been shown, but, also, negatively, that it did not intend new political sovereignties, with territorial annexations, to be created without those original limits. This appears first from the very tenor of the article. All its limitations have respect to the creation of States within the original limits. Two States shall not be joined; no new State shall be erected within the jurisdiction of any other State, without the consent of the Legislatures of the States concerned as well as of Congress. Now, had foreign territories been contemplated, had the new habits, customs, manners, and language of other nations been in the idea of the framers of this constitution, would not some limitation have been devised, to guard against the abuse of a power, in its nature so enormous, and so obviously, when it occurred, calculated to excite just jealousy among the States, whose relative weight would be so essentially affected, by such an infusion at once of a mass of foreigners into their Councils, and into all the rights of the country? The want of all limitation of such power would be a strong evidence, were others wanting, that the powers, now about to be exercised, never entered into the imagination of those thoughtful and prescient men, who constructed the fabric. But there is another most powerful argument against the extension of this article to embrace the right to create States without the original limits of the United States, deducible from the utter silence of all debates at the period of the adoption of the Federal Constitution, touching the power here proposed to be usurped. If ever there was a time in which the ingenuity of the greatest men of an age was taxed to find arguments in favor of and against any political measure, it was at the time of the adoption of this constitution. All the faculties of the human mind were, on the one side and the other, put upon their utmost stretch, to find the real and imaginary blessings or evils, likely to result from the proposed measure. Now I call upon the advocates of this bill to point out, in all the debates of that period in any one publication, in any one newspaper of those times, a single intimation, by friend or foe to the constitution, approving or censuring it for containing the power here proposed to be usurped, or a single suggestion that it might be extended to such an object as is now proposed. I do not say that no such suggestion was ever made. But this I will say that I do not believe there is such a one any where to be found. Certain I am, I have never been able to meet the shadow of such a suggestion, and I have made no incon-

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siderable research upon the point. Such may exist—but until it be produced, we have a right to reason as though it had no existence. No, sir. The people of this country at that day had no idea of the territorial avidity of their successors. It was, on the contrary, an argument, urged against the success of the project, that the territory was too extensive for a republican form of government. But, now there is no limits to our ambitious hopes. We are about to cross the Mississippi. The Missouri and Red River are but roads, on which our imagination travels to new lands and new States to be raised and admitted (under the power, now first usurped) into this Union, among undiscovered lands in the west. But it has been suggested that the Convention had Canada in view, in this article, and the gentleman from North Carolina told this House, that a member of the Convention, as I understood him, either now, or lately a member of the Senate, informed him that the article had that reference. Sir, I have no doubt the gentleman from North Carolina has had a communication such as he intimates. But, for myself, I have no sort of faith in these convenient recollections, suited to serve a turn, to furnish an apology for a party, or give color to a project. I do not deny, on the contrary I believe it very probable, that among the courings of some discursive and craving fancy, such thoughts might be started; but that is not the question. Was this an avowed object in the Convention when it formed this article? Did it enter into the conception of the people when its principles were discussed? Sir, it did not, it could not. The very intention would have been a disgrace both to this people and the Convention. What, sir! Shall it be intimated; shall it for a moment be admitted, that the noblest and purest band of patriots this or any other country ever could boast, were engaged in machinating means for the dismemberment of the territories of a power to which they had pledged friendship, and the observance of all the obligations which grow out of a strict and perfect amity? The honor of our country forbids and disdains such a suggestion.

But there is an argument stronger, even, than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible that such a power, if it had been intended to be given by the people, should be left dependent upon the effect of general expressions; and such too, as were obviously applicable to another subject; to a particular exigency contemplated at the time? Sir, what is this power we propose now to usurp? Nothing less than a power, changing all the proportion of the weight and influence possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share, without their consent. Upon a principle, pretended to be deduced from the constitution—this Government, after this bill passes, may and will multiply foreign partners in power, at its own mere motion; at its irresponsible pleas-

ure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power that, from its nature, never could be delegated; never was delegated; and as it breaks down all the proportions of power guaranteed by the constitution to the States, upon which their essential security depends, utterly annihilates the moral force of this political contract. Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance, at its will, the political weight of any one State, much more of all the States, by authorizing it to create new States at its pleasure, in foreign countries, not pretended to be within the scope of the constitution or the conception of the people, at the time of passing it?

This is not so much a question concerning the exercise of sovereignty, as it is who shall be sovereign. Whether the proprietors of the good old United States shall manage their own affairs in their own way; or whether they, and their constitution, and their political rights, shall be trampled under foot by foreigners introduced through a breach of the constitution. The proportion of the political weight of each sovereign State, constituting this Union, depends upon the number of the States which have a voice under the compact. This number the constitution permits us to multiply at pleasure, within the limits of the original United States; observing only the expressed limitations in the constitution. But when in order to increase your power of augmenting this number you pass the old limits, you are guilty of a violation of the constitution in a fundamental point; and in one, also, which is totally inconsistent with the intent of the contract, and the safety of the States which established the association. What is the practical difference to the old partners, whether they hold their liberties at the will of a master, or whether, by admitting exterior States on an equal footing with the original States, arbiters are constituted, who by availing themselves of the contrariety of interests and views which in such a confederacy necessarily will arise, hold the balance among the parties which exist and govern us, by throwing themselves into the scale most conformable to their purposes? In both cases there is an effective despotism. But the last is the more galling, as we carry the chain in the name and gait of freemen.

I have thus shown, and whether fairly, I am willing to be judged by the sound discretion of the American people, that the power, proposed to be usurped, in this bill, results neither from the general nature, nor the particular provisions, of the Federal Constitution; and that it is a palpable violation of it in a fundamental point; whence flow all the consequences I have intimated.

The present President of the United States, when a member of the Virginia Convention for adopting the constitution, expressly declares that the treaty-making power has limitations; and he states this as one, "that it cannot alien-

ate any essential right." Now, is not here an essential right to be alienated? The right to that proportion of political power which the constitution has secured to every State, modified only by such internal increase of States as the existing limits of the Territories at the time of the adoption of the constitution permitted. The debates of that period chiefly turned upon the competency of this power to bargain away any of the old States. It was agreed, at that time, that by this power old States within the ancient limits could not be sold from us. And I maintain that, by it, new States without the ancient limits cannot be saddled upon us. It was agreed, at that time, that the treaty-making power "could not cut off a limb." And I maintain, that neither has it the competency to clap a hump upon our shoulders. The fair proportions devised by the constitution are in both cases marred, and the fate and felicity of the political being, in material particulars, related to the essence of his constitution, affected. It was never pretended, by the most enthusiastic advocates for the extent of the treaty-making power, that it exceeded that of the King of Great Britain. Yet, I ask, suppose that monarch should make a treaty, stipulating that Hanover or Hindostan should have a right of representation on the floor of Parliament, would such a treaty be binding? No, sir; not, as I believe, if a House of Commons and of Lords could be found venal enough to agree to it. But although in that country the three branches of its legislature are called omnipotent, and the people might not deem themselves justified in resistance, yet here there is no apology of this kind; the limits of our power are distinctly marked; and when the three branches of this Government usurp upon this constitution in particulars vital to the liberties of this people, the deed is at their peril.

I have done with the constitutional argument. Whether I have been able to convince any member of this House, I am ignorant—I had almost said indifferent. But this I will not say, because I am, indeed, deeply anxious to prevent the passage of this bill. Of this I am certain, however, that when the dissension of this day is passed away, when party spirit shall no longer prevent the people of the United States from looking at the principle assumed in it, independent of gross and deceptive attachments and antipathies, that the ground here defended will be acknowledged as a high constitutional bulwark, and that the principles here advanced will be appreciated.

I will add one word, touching the situation of New Orleans. The provision of the treaty of 1803, which stipulates that it shall be "admitted as soon as possible," does not therefore imply a violation of the constitution. There are ways in which this may constitutionally be effected—by an amendment of the constitution, or by reference to conventions of the people in the States. And I do suppose, that, in relation to the objects of the present bill, (with the peo-

ple of New Orleans,) no great difficulty would arise. Considered as an important accommodation to the Western States, there would be no violent objection to the measure. But this would not answer all the projects to which the principle of this bill, when once admitted, leads, and is intended to be applied. The whole extent of Louisiana is to be cut up into independent States, to counterbalance and to paralyze whatever there is of influence in other quarters of the Union. Such a power, I am well aware that the people of the States would never grant you. And therefore, if you get it, the only way is by the mode adopted in this bill—by usurpation.

The objection here urged is not a new one. I refer with great delicacy to the course pursued by any member of the other branch of the Legislature; yet I have it from such authority that I have an entire belief of the fact, that our present Minister in Russia, then a member of that body, when the Louisiana treaty was under the consideration of the Senate, although he was in favor of the treaty, yet expressed great doubts on the ground of constitutionality, in relation to our control over the destinies of that people, and the manner and the principles on which they could be admitted into the Union. And it does appear that he made two several motions in that body, having for their object, as avowed, and as gathered from their nature, an alteration in the constitution, to enable us to comply with the stipulations of that convention.

I will add only a few words in relation to the moral and political consequences of usurping this power. I have said, that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression. But the true source of terror is not the declaration I have made, but the deed you propose. Is there a moral principle of public law better settled, or more conformable to the plainest suggestions of reason, than that the violation of a contract by one of the parties may be considered as exempting the other from its obligations? Suppose, in private life, thirteen form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership, after so palpable an infringement of their rights? How much more, in the political partnership, where the admission of new associates, without previous authority, is so pregnant with obvious dangers and evils! Again: it is settled as a principle of morality, among writers on public law, that no person can be obliged, beyond his intent at the time of the contract. Now, who believes, who dare assert, that it was the intention of the people, when they adopted this constitution, to assign, eventually, to New Orleans and Louisiana, a portion of their political power, and to invest all the people those extensive regions might hereafter contain with an authority over themselves and their descendants? When you throw



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the weight of Louisiana into the scale, you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it; or can it be concealed that, beyond its fair and acknowledged intent, such a compact has no moral force? If gentlemen are so alarmed at the bare mention of the consequences, let them abandon a measure which sooner or later will produce them. How long before the seeds of discontent will ripen, no man can foretell; but it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the Northern and Atlantic States will, or ought to, look on with patience and see Representatives and Senators from the Red river and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils, into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger, and to hide himself. This great usurpation, which creeps into this House under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things, there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature, and conformable to the acknowledged principles of the constitution, the sceptre of power in this country is passing towards the North-west. Sir, there is to this no objection. The right belongs to that quarter of the country; enjoy it; it is yours. Use the powers granted as you please; but take care, in your haste after effectual dominion, not to overload the scales by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this constitution. Already the old States sink in the estimation of members, when brought into comparison with these new countries. We have been told that "New Orleans was the most important point in the Union." A place out of the Union the most important place within it! We have been asked, "What are some of the small States when compared with the Mississippi Territory?" The gentleman from that Territory (Mr. POINDESTER) spoke the other day of the Mississippi as "of a high road between"—Good heavens, between what, Mr. Speaker? Why, "the Eastern and Western States." So that all the North-western Territories, all the countries once the extreme western boundary of our Union, are hereafter to be denominated Eastern States.

[Mr. POINDESTER explained. He said that he had not said that the Mississippi was to be the boundary between the Eastern and Western States. He had merely thrown out a hint, that,

in erecting new States, it might be a good high-road between the States on its waters. His idea had not extended beyond the new States, on the waters of the Mississippi.]

I make no great point of this matter. The gentleman will find, in the National Intelligencer, the terms to which I refer. There will be seen, I presume, what he has said, and what he has not said. The argument is not affected by the explanation. New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations, on this subject, short of California and Columbia river. When I said that the bill would justify a revolution, and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences, I would call the attention of this House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil, and to warn and prepare the people against the event. I have no hesitation on the subject. The extension of this principle to the States, contemplated beyond the Mississippi, cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result, the better; the more likely that convulsions may be prevented; the more hope that the evils may be palliated or removed.

Mr. Speaker: What is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and the future, as well as the present. We live not for ourselves alone. That which we call liberty, is that principle on which the essential security of our political condition depends. It results from the limitations of our political system, prescribed in the constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are violated in essential particulars, all the concurrent spheres of authority rush against each other, and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fear about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, any thing universal in its nature. Sir, I confess it, the first public love of my heart is the commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors—

"Low lies that land, yet blest with fruitful stores,  
Strong are her sons, though rocky are her shores;

And none, ah! none, so lovely to my sight,  
Of all the lands which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil, and is rooted in it. I cherish it, because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the constitution. It may, afterwards, linger; but lingering, its fate will, at no very distant period, be consummated.

TUESDAY, January 15.

*Orleans Territory.*

The House resumed the consideration of the bill authorizing the people of Orleans Territory to elect a convention to form a constitution preparatory to its admission into the Union as a free and independent State—Mr. QUINCY's motion for indefinite postponement still under consideration.

Mr. WRIGHT.—Sir, this bill is not, in my judgment, a violation of the constitution, nor have I a fear that it is fraught with those direful consequences with which the gentleman from Massachusetts (Mr. QUINCY) threatens us. It will neither justify a dissolution of the Union, nor lead any citizen attached to it, even amicably, much less forcibly, to the contemplation of it, notwithstanding the predictions of that gentleman. That we are authorized to erect new States, I will prove both by theory and practice, and for that purpose I will first invite your attention to the articles of Confederation. By one section it is expressly declared that Canada may be permitted to enjoy all the benefits of the Confederation on the same terms with the other States of the Union. The thirteen States under this Confederation conducted themselves safely through the war; but finding, in 1787, that their requisitions had not been duly respected, and that New York had rejected some necessary commercial regulations, whereby their fiscal affairs were deranged, Congress, by a resolution, resolved that a convention of States should be held for the express purpose of amending the articles of Confederation. Under this resolution the Convention met, and proceeded to form the present constitution. Thus it will appear that they were to form the new constitution not *ex pari materia*, but out of the very materials of the Confederation.

As a conclusive evidence, you will find a number of the articles in each instrument literally or substantially the same, and thereby be justified in giving a construction of the letter of the constitution, so as to respect the spirit of the Confederation. By the third section of 4th article of the constitution, "New States may be admitted by Congress into the Union;" and by the next member of the same section, "the Congress shall have power to dispose of and

make all needful rules and regulations respecting the territory or other property belonging to the United States"—hence I can have no doubt that Congress have the power to admit new States into the Union, that power being expressly given. It is however contended, that that power is limited to the admission only of those States that may be established within the limits of the United States, as demarcated by the Treaty of Peace. And the preamble to the constitution is relied on to establish that doctrine. "We, the people of the United States, &c., do establish this constitution for the United States of America." If this preamble is so imperious as to limit the positive provisions of the constitution, it will certainly limit itself to the States that formed the constitution—the negative of which has been determined. To prove which, here let me call your attention to the fact, that Vermont was not a member of the Confederation, nor was she a member of the convention that formed the constitution; she therefore was not one of the United States—was foreign as to them, and as distinctly governed as any other foreign power; she in 1791 was admitted into the Union, and the laws of the United States extended to her. She was not one of the old States, and was correctly admitted under the power to admit new States. Vermont was so repulsive to a confederacy with the United States, as not to be mentioned in the articles of Confederation. Can it be for a moment doubted that Canada, expressly mentioned, might be now received as a new State, by becoming independent, or by purchase, when Vermont has been admitted, who was not mentioned in the Confederation? Can there be an opinion that the framers of the constitution intended Canada should be excluded from the benefits of the constitution, when before invited into it? When, by the express letter of the instrument, "new States may be admitted," and when Vermont, not mentioned in the Confederation, has been admitted? Such a conclusion can never be the rational result of such premises. But it is objected, that, as this Territory was obtained by treaty, and after the formation of the constitution, it cannot be admitted into the Union as a State.

I have shown that new States may be admitted, that Vermont has been admitted, and that Canada was expressly entitled under the Confederation, and by the terms of the constitution may be admitted as a new State. "Congress may admit new States into the Union, and make all needful rules and regulations with respect to the territory or other property of the United States." This is certainly a territory, the property of the United States, and Congress as certainly may, if needful, that is, expedient, admit it into the Union. We are told, I presume to retard this measure, that the limits are in dispute, and that, if made a State, they cannot afterwards be settled by the United States. That this is not the case, I will prove by theory and by practice. By the treaty-making power

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vested in the President and the Senate, they may treat on all subjects within the treaty-making power, with foreign nations; and where the limits of any foreign power adjoining the territory of the United States are not ascertained to their mutual satisfaction, they certainly may settle them by a treaty of limits. This is the practice and usage of all nations, and the United States by a treaty of limits with Great Britain, did settle the beginning of their northeastern limits, at the river St. Croix, whereby they gave up seven miles to Great Britain, which was taken from a State—hence I presume no difficulty can arise on the subject.

The question was then taken on the motion for indefinite postponement, and lost: yeas 28, nays 78.

The main question was then taken that the said bill do pass, and resolved in the affirmative—yeas 77, nays 86.

WEDNESDAY, January 16.

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The House resolved itself into a Committee of the Whole on the bill to renew the charter of the Bank of the United States.

Mr. BURWELL moved to strike out the first section.

I have made this motion, sir, said Mr. B., because it allows the greatest latitude of discussion upon the important points which are preliminary to the examination of the details. It tries the principle of the bill, and may save much tedious and useless labor. Should a majority decide in favor of the Bank of the United States, as an honest man I will aid in forming a system best adapted to the state of the country, and most subservient to the purposes of such an institution. The gentleman from Connecticut (Mr. MOSELY) has done justice to my conduct, and the fairness with which the subject has been treated. I have been anxious to present the question fairly, not from any doubt or indecision as to the course I should pursue, but from its magnitude, and the sensibility it has excited. It will be recollected by the committee, when the gentleman from Pennsylvania presented the memorial upon which the Secretary of the Treasury founded his report, on that, as on all subsequent occasions, my opposition was manifested; and I will add that the particular attention which my duty has compelled me to bestow on the bank, has confirmed more strongly former impressions.

The remarks I shall make are intended to show that Congress possesses no power to incorporate a bank; to show its effect on the government, and to satisfy the committee that the exercise of the power, even if possessed, is inexpedient. While, sir, I feel the most ardent desire to consult the convenience of the government and promote the prosperity of the community in general, I have not lost sight of the limits within which I am restrained by the Constitution of the United States and consider-

ations of sound policy. It is my most deliberate conviction that the constitution of the country gives no authority to Congress to incorporate a bank and endow the stockholders with chartered immunities; and even if its dissolution should produce ruin to the merchants, and, what is of equal importance, embarrassment to the government, they would not be paramount to the sacred obligation of supporting the constitution; though I am persuaded the dreadful evils which have been predicted from the annihilation of the bank will soon vanish, and that no material shock will be produced by that cause. The construction which the constitution has received by the various persons who have at different times administered it, has been rigid or liberal according to the confidence in the General or State Governments. The unqualified extent given to its general powers, and the inclusion of incidental powers, as flowing from and belonging to particular enumerated grants, have constituted the essential points of difference among those who have divided upon the principles of the constitution. This has been the case not only in the exercise of authority where the right was questionable, but in cases where the right was undeniable, tending by its operation to increase the weight of the General Government. In giving to the constitution that construction which sound policy requires, and a just regard to the harmony of the States and the perpetuation of their Union dictates, I cannot find any part of it authorizing the exercise of a power which, from its nature, is obnoxious, its tendency alarming, and its influence in the hands of those who manage its concerns irresistible. The power to establish a bank cannot be deduced from the general phrases "to provide for the common defence and general welfare," because they merely announce the object for which the General Government was instituted. The only means by which this object is to be attained are specifically enumerated in the constitution, and if they are not ample, it is a defect which Congress are not competent to supply. I think this inference the stronger, inasmuch as those means were granted to us by those who had acted under the confederation and experienced its defects, and knew precisely to what extent power was requisite to provide for the common defence and general welfare. In relation to this particular subject, the proceedings of the convention itself furnish the plainest evidence, by rejecting the proposition to vest in Congress the right to grant incorporations. I readily admit the motive of deliberative bodies cannot always be known. Various considerations might have operated. They might have supposed the power already vested. But, it is incumbent on those who can place faith in an interpretation so repugnant to the cautious and guarded phraseology of the instrument, to demonstrate it. If the right to incorporate exists, it is a general grant of power, equally applicable to all the objects of incorporation, and can-

not be assumed as a means to carry into effect any particular grant of authority. To my mind, it is much more natural to suppose a power to create monopolies had been surrendered, to quiet the fears of those who saw in the constitution the germ which would sooner or later palsay the vitals of the State authority. If the general phrases are not explained in the manner just mentioned, and powers so extensive and important are derived from them, it would be ridiculous to consider the jurisdiction of Congress restricted; they would confer equal authority to establish monopolies in all the various branches of individual industry and commercial enterprise. Sir, I will conclude this part of the subject by reminding you how essential it is, when we are giving an interpretation to the constitution, to which the States are parties, to assume only what clearly belongs to us. Moderation will inspire confidence, selfishness will excite disgust and suspicion.

The parts of the constitution which bear any analogy to this subject, are

1st. Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, &c.

2d. To borrow money on the credit of the United States.

3d. To regulate commerce with foreign nations, and among the several States, and with Indian tribes. And

4th. To make all laws which shall be necessary and proper to carry the foregoing powers, and all other powers vested by the constitution in the General Government, into effect.

It will not be denied that, if the establishment of a bank comes within the meaning of the power to lay and collect taxes, to pay the debts of the United States, and to regulate commerce, or is necessary and proper to carry the foregoing powers into effect, it would be a fair subject for legislation by Congress. But can any one pretend that a bank would be a mode contemplated by the constitution to lay and collect taxes on the people for the purpose of raising revenue? Would it comport with that wise principle of uniformity, and those guarded restrictions against unequal burdens on the people, which constitute the most valuable safeguard to the citizen? To understand these terms we must give them a meaning which has been affixed by their usual import. When we speak of the power to lay taxes, we understand by it a demand of money from the community, regulated by fixed and equitable principles, indiscriminate as to persons, and the species of property taxed. To suppose that every law which imposed burdens or brought money into the Treasury was constitutional, would destroy our equal system of government, and substitute a capricious despotism. It would revive the exploded doctrine of free gifts, benevolences, and that shameful train of extortions practised by the old governments of Europe. Does it fall within the power to pay the debts of the

United States? This clause relates entirely to the application of the funds after they have been accumulated; it is in conformity with that article which pledges the public faith for debts which had been contracted, as well as those which might be created in pursuance of the authority to borrow money upon the faith of the United States. If the power to incorporate a bank grew out of the obligation to pay the debts of the United States, its charter should be so worded as to cease whenever they were extinguished; and it would be no longer for Congress to fix a definite period for its expiration. If the right of incorporation was ever meant to be given, it would most naturally follow from the regulation of commerce; yet, no one has contended Congress could create insurance companies within the States. Those who contend the bank is constitutional, consider it as necessary and proper in collecting the revenue. That it may be an useful instrument, I do not deny. It forms depositories convenient to the government: but, you should recollect, depositories equally safe and convenient can be procured without being purchased at the expense of exorbitant and invidious privileges to a particular class in the community. I apprehend the constitution means something extremely different when it empowers the General Government to collect taxes; it relates exclusively to the authority thus given to Congress of employing compulsory process in coercing the payment of taxes; it enables Congress to create, within the jurisdiction of the States, officers of the revenue, and, through them, to exercise over the property of the citizens a concurrent jurisdiction, from which they otherwise would be precluded, and from which they had been precluded before the adoption of the constitution; it enables them to impose penalties and forfeitures, and to inflict punishment for resistance to their authority. But, sir, admit for a moment the bank may be formed to collect the revenue, ought it not to be exclusively used for that object? Whence the power to make it an instrument of commerce? Why invest it with a capital immense in amount, and sovereign in its control over the external and internal commerce of the country? Sir, I must again call your attention to the limited nature of our Government; we must administer it as we find it, and not as we think it ought to be. Under this view of the subject, so long as I understand the right to "lay taxes" to consist in drawing supplies from the people for public purposes, and not to tax one portion of the community for the benefit of another, and "to collect them," the right to enforce payment, I cannot construe them to authorize the establishment of a bank. Sir, a bank has been improperly considered a means of executing some power exclusively given to Congress. The nature of incorporations is so clearly a distinct class of political power, that, before they can be converted into means incidental to an object without the jurisdiction of the General Govern-

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ment, they must be shown to be absolutely necessary. Permit me to ask, how has it been ascertained that a bank is necessary to the operations of the Government? Has the experiment been tried? Upon a question involving a breach of the constitution, it would be safer to be guided by experience than conjecture.

Sir, I am well aware that I can add nothing new upon the constitutional points. The subject was more thoroughly examined in 1791, and more ably elucidated than any other since the adoption of the Government. The celebrated speech of Mr. MADISON, to which I ascribe my conviction, has been recently presented to us in the newspapers, and gentlemen must be familiar with it. I cannot give additional weight to the arguments, but I thought it proper to call the attention of the committee to that part of the subject by the remarks I have made.

I said, sir, it must be shown that the bank is necessary to the operations of the Government—without its aid our fiscal concerns cannot be managed. So far from subscribing to the necessity of the bank, I believe the revenue would be equally safe in the State banks, and could be distributed with inconsiderable difficulty. The revenue received in most of the States is nearly equal to the expenditure within them, and when a deficiency occurred in any one, it could be supplied by arrangements with the different banks, by transportation, or inland bills of exchange, in the manner that the public engagements are fulfilled abroad. I will venture to assert the Secretary of the Treasury will find no difficulty in contracting with individuals and corporate institutions, upon the most ample security, to transfer the public revenue upon terms equally advantageous to the United States. Among the several States commercial intercourse is great, and daily increasing; the constant traffic which the different portions of the country maintain with one another, will give facility to the operations of the Government, and obviate the obstacles which are anticipated; the very commerce which enables the Treasury to remit with ease immense sums to every part of Europe is the result of this interchange among the States, and insures equal facility at home. Where, then, is the necessity for this bank? The accommodation of the bank to the Government in times of emergency, and the use of its resources to support public credit, have been urged as motives for its establishment; how far such considerations weaken constitutional objections, it is needless to state. If, sir, the bank becomes a source of supply to the Government to an adequate extent, it ceases to be one to the merchants. It therefore cannot answer in both capacities. The same necessity which throws the Government upon the charity of the banks renders it incapable of discharging the obligation, and while the funds of the institution are locked up in the Government, its commercial functions must cease. The relief which sudden and temporary embarrassments require, can, at

all times, be administered by the State banks, and, therefore, supersedes the necessity of aid from this bank. Whenever, by disasters, the ordinary sources of supply are exhausted, or the unavoidable objects of expenditure exceed the revenue, a more copious and permanent aliment will be found in the wealth and capital of the citizens than by loans from banks. Instead of diverting the active and productive capital from useful channels, the sluggish and inert mass will be drawn forth in its aid, to support public credit and cherish private enterprise. But, sir, is it prudent to rely upon an institution that may refuse you assistance? What will be the influence of such an institution on the Government, and the country at large? It cannot escape your recollection that the establishment of the Bank of the United States was the origin of a system which assumed as its basis the enlargement of the national jurisdiction. Whether the principles of expediency to which it owes its birth be regarded, or the overweening influence it established over the moneyed institutions and merchants of the States, the charge, to say the least, is plausible. The close and intimate connection between the Government and bank—the dependence of the former for loans, and the latter for public deposits, have given the Executive branch its full share of influence and odium—shows incontestably it was created to augment the power of the General Government, and the Executive in particular. Yes, sir, it was the commencement of those political animosities which have poisoned the sources of social intercourse; it was the origin of that doctrine of constructive power which abrogates the constitution and nullifies the restrictions imposed upon Congress. So long as it exists, the body politic will experience the agitations and convulsive throes of well-grounded jealousy in the States.

Sir, in the administration of this Government two things alone are necessary to insure its durability. You must first avoid every measure which will produce uneasiness among the States, or, second, that will extend the jurisdiction of the United States Government to subjects purely local. I do not mean that the rightful authority of Congress is to be abandoned for fear of giving offence, but, whenever called on to take a step which will produce uneasiness, you should be perfectly satisfied the letter and spirit of the constitution bear you out. Do not gentlemen perceive the tendency of this measure to involve us with the States upon delicate points? Has not the United States' Bank produced serious alarm? Will not the alarm be increased by its continuance at this time? Yes, sir, some of the States have already taxed this institution, others have waited under the expectation we shall render a collision unnecessary. Suppose the charter renewed, and the stockholders should be taxed in such a manner as to destroy, virtually, the privileges you have guaranteed to them. Are you to leave them unprotected, or will you draw the sword in their

behalf? While you have time, avoid a situation not less perilous than the most serious foreign war. Since the establishment of the bank, the States have created banks—their people have accumulated capital, and they will not tamely witness the perpetuation of an institution whose strength can at any moment overthrow whatever State bank they may mark for destruction. However paradoxical it may appear, I consider the General Government strengthened by narrowing its jurisdiction; it will produce disunion whenever they interfere with local concerns. The habits, local interest, and passions of this country vary, and no one is a competent judge of what will suit the feelings of the State out of which he lives. But, sir, there are general principles in which our feelings and interests are identified; there are subjects upon which we may safely act, and trust to the co-operation of every man and State in the Union. Does the bank affect the people locally? The answer is obvious: it not only undertakes to fix the amount of capital, but interferes with the rights of property most essentially—it may change the fundamental principles of State law as to the liability of property for debts, and the mode of recovering them. Let me caution you against the renewal of the charter; it is pregnant with the most baneful consequences to the tranquillity of the country. Is it not better to sacrifice this golden calf upon the altar of concord, restore confidence and harmony among individuals as well as States, and to reunite the lovers of the constitution?

In the report of the Secretary of the Treasury, the convenience of obtaining loans from the bank is mentioned as an inducement to establish a National Bank. To me the abuse of this convenience is more dreaded than any other evil which will follow from the measure. Where have you seen a National Bank, connected with the Government, which has not ultimately ruined the circulating medium of the nation? It is a notorious fact that money has depreciated seriously, from the unlimited circulation of paper, and if the Government should be compelled, by necessity, to use the funds of the bank, they must permit the increased circulation of its paper, although its money capital remains stationary. In this situation the Government must tolerate an operation which will increase the evil of which we complain. The example of England is a salutary monition to us, and we ought to profit from it. In that country there was a time when the stability of the bank was a national phrase, "As good as the Bank of England." How is it now? The funds of the bank have been borrowed by the Government—its paper circulation increased, and Parliament has been compelled to make it a tender for the payment of all contracts. Who, sir, can estimate the complicated mischiefs of a depreciated paper currency, without specie for its redemption? Should we be involved in war, or our property seized abroad, nothing can prevent universal bankruptcy—one wide-spread

ruin will pervade the continent. At this time the country is inundated with paper bottomed upon the whole floating and real property of the community: should an alarm exist, can these funds be converted into money to redeem its credit? Certainly not. Will it not be prudent to diminish the extent of this evil by putting down this bank which is the fountain from which the whole system flows? It is of little importance, as it regards the internal trade of a country, what constitutes the representation of property. Paper, iron, or any thing else, which passes current, will answer every purpose of barter and trade; but, in its commerce abroad, it is indispensable that the circulating medium should be equally valuable and readily acknowledged among all commercial nations; otherwise, all the operations of commerce, carried on with money, will be abandoned or prosecuted under disadvantages equal to the difference in the value of the currency at home and abroad. In countries actively engaged in business, this branch of trade is not only great in amount, but by far the most profitable. How unwise, therefore, not only to substitute for the precious metals paper currency, whose value is confined to the United States, but to augment the quantity until it depreciates even among ourselves.

THURSDAY, JANUARY 17.

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The House resolved itself into a Committee of the Whole on the bill for renewing the charter of the Bank of the United States—the motion for striking out the first section still under consideration.

Mr. FISK.—Mr. Chairman: I regret that we are called upon to vote for or against striking out the first section of this bill, at this time. I could have wished that, upon a bill of so much interest and importance, we could have proceeded to have filled the blanks, and made such amendments as would have obviated many objections which may be urged against it in its present form. I am not prepared to give my vote in favor of a renewal of the charter of the Bank of the United States, either upon the terms upon which it was originally granted, or in the manner contemplated by this bill; yet, upon conditions less objectionable, I should feel myself bound to vote in favor of a renewal. But the question presented upon this motion, is not upon what terms this charter shall be renewed, but whether it shall be renewed upon any terms, subject to any conditions Congress may impose.

In this view, I consider it the most important subject upon which this Congress will be required to act. It is determining a question which is connected with our finances, with the circulating medium of the country, and with our agricultural, commercial, and manufacturing interests; and, as such, it cannot but be interesting to every class of our citizens.

The interests and prosperity of the United States are not only intimately, but inseparably, connected with trade. The market of the far-

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mer depends greatly upon the merchant and the shipper. And the price and demand of every article of produce are in a great degree regulated by the difficulties or facilities of payment. Let the difficulty of paying be increased, and the price of produce immediately falls; for the demand for exportation becomes very limited, the markets are overstocked, and prices reduced. Any sudden check to our commerce, whether produced by our own municipal regulations, or the outrages of foreign powers, checks the market and the price of produce; so that not only the merchants, but the farmers feel its effects. I scarcely need recur to the history of the times when trade was principally suspended in this country, to show how severely the suspension operated upon every class of our citizens, and in every part of the country. This period in our political annals will be long remembered. So great was the distress in some States, and agricultural States, too, that their Legislatures deemed it necessary, for the protection of the debtor from the power of his creditor, to stay the administration of justice, and prohibit by statute the issuing of an execution for the collection of any debt.

This proves the connection which subsists between the two great agricultural and commercial interests of this country. Agriculture, commerce, and manufactures constitute the source of our wealth, revenue, and prosperity. To foster and cherish the principles upon which rest our existing hopes and future prospects, can never be a question of doubtful policy with a wise and patriotic legislature.

We have seen that commerce is essential to our interests; but commerce will not flourish without credit. It never has prospered independent of credit. As credit is essential to trade, so is punctuality to support credit. Look at the business of any commercial people, and see how much of it is done upon credit; and see the integrity and fidelity with which punctuality is maintained in order to support their credit.

For several centuries past, banks have been the successful medium through which credit has not only been preserved, but great wealth acquired. This assertion is warranted by the history of these institutions, and of the countries where they have been patronized. The first bank established in Europe, was at Genoa, in 1407—four hundred and four years ago; this was soon followed by one at Venice.

The Bank of Amsterdam was established in 1609, and shortly after those of Hamburg and Rotterdam; and the Bank of England in 1694; the Royal Bank at Paris in 1718; the Bank of North America in 1784—a memorable period in our history—and the Bank of the United States in 1791.

All these different institutions show, that enlightened legislatures have entertained but one opinion upon this subject both in Europe and America for the last four hundred years. They have seen and acknowledged their utility. Banks have long since been considered not only essen-

tially useful in the transaction of commercial concerns, but as highly necessary to aid the fiscal operations of Government. And a more unanswerable argument cannot be urged in favor of their general utility than their uniform success; to this may be added the prosperity of the people and the countries where banks have been supported. Their immediate advantages are, a convenient circulating medium; the safe depository they afford for cash and funds. And they serve to keep the standard of money steady and correct; to insure punctuality; to preserve credit; to inspire confidence, and to promote a spirit of industry and enterprise. They are not, as many have supposed, in their nature hostile to Government and dangerous to liberty. They rather form a barrier to tyranny and oppression. Their principal business is to lend money at the common rate of interest, and thus prevent usury. The owners of banks are generally rich men, who have not only their personal liberty, but a large property to risk, by sedition, treason, and rebellion. It is their interest to resist oppression. We need scarcely point to the Continent of Europe for proof of the fact, when we assert, that trade and banks cannot flourish where despotism prevails. Despotic power generally ruins trade and banks, but no instance occurs in history where banks, not under the control of Government, have ruined a State. A bank owned by Government, and under its command, would be an engine dangerous to the people. But when owned by individuals, neither the people nor the Government have any thing to fear from it. It is then dependent on both for its business, prosperity, and usefulness.

With the evidence which both history and experience offer to our reflection, we cannot doubt the utility of banks, nor deny but that they have been beneficial to us. And we are justified in the conclusion, that, under proper regulations, they may subserve the best interests of the people of the United States. They are now in successful operation in almost every State in the Union, and that they have been useful, the present prosperous state of the country abundantly proves. We enjoy as perfect security for life, liberty, and property, as any people under any Government ever did. These are the great objects of a good Government. And we may triumphantly ask, where is the nation or people that enjoy these with more freedom and safety than the American people? A parallel for our liberty and property, for the last twenty years, is not to be found in the history of man. Our wealth, population, and resources, have increased beyond what any one would have calculated or imagined, and beyond what strangers and foreigners now believe. Industry, wealth, and contentment, pervade every quarter of our country, and poverty and oppression are unknown to our citizens.

In 1791, the year this bank was incorporated, our exports amounted to about eighteen millions of dollars; and in 1804, they had increased

to about seventy-six millions, gaining in thirteen years fifty-eight millions; and our tonnage in about the same proportion.

Much of this prosperity is to be attributed to the active capital which has excited industry, and a spirit of enterprise among us, and the activity of this capital has been in a great degree created and promoted by the Bank of the United States. Its operations have been extensive in all our trading towns. It has aided in loans and discounts, and assisted in the collection, safe-keeping, and transmission of our revenues. It has been the depository of our Treasury, and is now become incorporated with the administration of the fiscal department of our Government. The connection which it has formed with almost every branch of business in the country, is not slight and trifling, and so easily to be severed as some seem to believe. Its operations are deeply interwoven with the dealings and concerns of all the men of business in the United States.

With a capital of ten millions, it has furnished accommodations of fifteen millions a year. This has been employed principally in trade; in making prompt and cash payments to our farmers for their produce. This, again, has furnished to our citizens a ready and profitable market for every article of produce. These high profits of a good market have gone into the hands of the farmer, to cultivate, improve, and enrich the country. And travel through any State in the Union, and their effects may be readily seen, affording a prospect, consoling and elevating to the philanthropist and the patriot. The land is highly cultivated, good buildings, turnpike roads, bridges, and other expensive improvement, indicate the wealth of our citizens, and the prosperity of the country. Money has been freely circulated, trade has been active, produce high, and our country has been improved by these unexampled advantages to a degree far beyond what the most sanguine calculations, twenty years ago, could have anticipated. And yet, sir, we are gravely told that this bank has nearly ruined the country; that it is threatening our best interests with destruction. As well might gentlemen tell us that total darkness prevails at noon-day, or that the sun, in his meridian splendor, affords neither light nor heat to any part of this globe.

The principal portion of the trade and business of the United States has been conducted by a paper medium; metallic has scarcely been seen. The amount of this circulating medium is, say fifty millions. Now what is proposed by denying a renewal of the United States' Bank charter? That this bank shall close its concerns, and of course stop all its accommodations. This must necessarily check and change at least one-third of the circulating medium of the country. It will undeniably require \$24,000,000 to be directed to one operation, and for a time to one point—for the capital is \$10,000,000; this is to be collected to divide among the stockholders. There are \$19,000,000 due to the

bank; this must be collected. This will occasion a demand for this amount from other sources; it must be paid. And the \$5,000,000 in the bank makes the sum of \$24,000,000, which must be suddenly called in. The effect this will have upon the various interests in the country can neither be described nor conceived. It must inevitably give a general and heavy shock to all paper credit; this credit, so much and profitably in operation, must receive a severe, if not a mortal wound. And what substitutes have we for this when it shall be destroyed? Silver and gold coin cannot be relied on. There is not from the best estimate an amount to exceed \$10,000,000 specie in all our cities and trading towns, and this will be collected by this bank. The price of all stocks, and every kind of produce and species of property must suffer a great depression, for a scarcity of money enhances its value, and consequently depresses the value of every other species of property. That this sudden, if not total change in our system, must occasion great embarrassment, produce failures, disappointments, and distress, among our citizens, is certain.

Put down this bank, and how then are your revenues to be collected? Through the medium of the State banks? You do what no prudent man, in his individual concerns, would think of doing. You discard a faithful, honest, responsible agent, whose integrity and fidelity you have known for twenty years, and you place your estate in the hands and at the disposal of twenty or thirty entire strangers, of whose character and responsibility you know nothing, nor have the means of acquiring any knowledge, and over whose conduct you have no control. Should an individual act thus with his property, he would be deemed to have lost all regard for it, if not considered a madman. In resorting to the State banks, we are offering the amount of our revenue as a bounty for intrigues, cabals, and factions, through the country. In almost every State there are a number of banks, and each will endeavor to get the revenue collected in that State, to keep and trade with. It must be given to one, or divided among them all. If one is selected as the favorite, all the rest become jealous, dissatisfied, and exert their capital and influence against the favorite bank and its patron, the Government. This will awaken a spirit of faction in every State, yet unknown in this country. If all are to be gratified in their request for the deposits, the Government must open separate accounts with all the different banks in the country, to the amount of fifty or sixty; and new companies will be formed, and new applicants request to divide the business, and share the profits. Indeed, there will be no end to the scenes of speculation and intrigue, which will soon appear, if this course is adopted by the Government.

Mr. SKYBEE.—It may be said that this subject has been exhausted by the discussions of the ablest politicians of the country. I will premise, the remarks which I shall offer are



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intended solely to justify the vote which it is my intention to give on this momentous occasion.

The question pending the United States' Bank has excited a peculiar interest throughout this nation, more especially in our seaports. The dissolution of this institution, which from its limitation, will expire on the fourth of March next, has been portrayed in colors of the darkest shades, and the distresses which many maintain will be consequent to that event, call seriously for a fair and deliberate investigation. I hope, sir, I shall be pardoned for imposing on the patience of the House, when it is recollected that the community which I represent have employed four-tenths of the capital stock of the United States' Bank. If evil consequences are to attend the dissolution of this establishment, or if beneficial results proceed from its continuance, in either case I must feel myself essentially interested; it is therefore my wish to be distinctly understood upon the important principles which have connection with the great question now before us.

At the last session of Congress, I presented the memorial of the President, Directors, and Stockholders of the Bank of the United States; at that time I entertained no positive opinion on the subject; the discussions which took place in the committee to whom the memorial was referred, necessarily, as a duty on my part, excited that attention which the importance of the question imperiously demanded. Under circumstances of doubt, I voted in favor of reporting a resolution in support of the bank, for the purpose of giving to the establishment every chance which reason could urge; at the same time reserving to myself the right to pronounce a final decision, according as policy and expediency, but more especially as principle should dictate. I will admit, sir, that this is not the time or place to institute the general inquiry, whether banks are or are not beneficial to a nation? Because, whether the charter of the United States' Bank be renewed or not, the several States, who have the unquestioned authority to incorporate bank establishments, have already created many, which it is not in our power to control. I do not hesitate to declare, though many persons in the United States are decidedly opposed to a banking system, under every possible circumstance, I am not of this class. Experience has proved, in a manner very satisfactory to my mind, the advantages which are derived from the banks when they are impartially directed, and when the accommodation afforded by them is prudently employed; the great difficulty seems to be to confine the system within its proper limits. I understand the proposition as applicable to the agricultural, manufacturing, and commercial interests of the United States.

For my proofs of this proposition, I will not rely upon the famous Bank of St. George, at Genoa, whose authority, by a gentleman from New York, (Mr. FISK,) has been considered of

much weight. I will recall to the mind of my friend the remark of an intelligent traveller, who, when he visited this bank of antiquity, exclaimed: Here lies concealed the enigma, whether the bank possesses millions of millions, or whether it is indebted millions of millions! He concludes, Upon this important secret rests the safety of the State. Unhappy State, say I, whose safety depends upon a secret concealed within the vaults of a bank. Perhaps to a development of this secret may we attribute the present servile condition of the people of the once far-famed and powerful Republic of Genoa.

Sir, I am decidedly opposed to a prominent, and what to me appears to be a very dangerous feature in the bill now under consideration. I allude to the eighth section, which admits of an increase of the present capital stock of the bank. Adopt this provision, you will thereby create an Herculean power, which will have at its mercy all the minor institutions of the States; thus constituted, it can oppress and destroy them, as whim or interest may dictate. The steps which have been taken preparatory to a dissolution of the present bank, it is said, occasion much embarrassment, and threaten with ruin many of our citizens; if the present capital of ten millions can thus affect society, who will pretend to accumulate present evils, or risk entailing misery on posterity, solely for the purpose of a temporary gain to the Government? In this question Pennsylvania is deeply concerned; she has several millions of dollars invested in her banks; this to her is a valuable source of revenue; upon this may she predicate much of her future prosperity; hence will she derive the funds requisite for future internal improvements; but if you fill up the blanks in this section with a considerable sum, all these prospects will be blasted forever; you will thereby destroy the tree from whose ramifications were to emanate the blessings of peace and the sinews of war. Those of her representatives who may deem it politic and constitutional to vote for a continuance of the charter of the United States' Bank, ought surely to oppose any increase of the present capital; we have been told that that which now exists has been found sufficient for all purposes, at a time when our commerce was much more extensive than we have reason to suppose will soon again be the case.

The history of the banks in our country informs us, that the one usually termed the Bank of North America was the first establishment of the kind which received the sanction of the Government. This institution was incorporated by an act of Congress, in the month of May, 1781, under the authority of the "Articles of Confederation." The present Bank of the United States was incorporated by an act of Congress, on the 25th of February, 1791, during the operation of the present Constitution of the United States.

Without an attempt to examine every hypo-

thesis, which has been or which might be proposed, respecting the constitutionality of the principle, I will content myself with the statement of the case, such as it appears to my mind. The first public act which I performed as a member of the Congress of the United States, was, to swear solemnly that I would support the Constitution of the United States. It therefore is my duty to examine and consider its precepts, according to the best of my ability.

The "Articles of Confederation" and the present Constitution of the United States do not differ as regards any power delegated by the States to Congress, touching charters of incorporation. I can never persuade myself that the constitution was intended other than to have a definite meaning; or that it was ever contemplated to speak an equivocal language; ambiguity arises solely from the misconceptions of its interpreters; it is very plain and of easy comprehension, especially as it relates to the present question, since it is totally silent on the right to create corporations—its wisdom is further illustrated by the special provision for the only exclusive privilege which is consistent with a free and equal government, and that is in favor of genius.

The powers delegated by the States are special and defined, and, it is expressly declared by the constitution, that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This language needs no interpretation. I cannot for a moment permit myself to suppose, that the patriots who were tested during the long-continued uncertainty of the most important events of our Revolutionary period, and to whom was ultimately assigned the right and power to construct the instrument which is to guide us in the political labyrinth—that they intended this their great work should alone be explicable by that refined reasoning to which common sense is a stranger, I never can admit. Surely that which they framed for the good and security of every individual in the nation, must be expressed in a manner to be understood by ordinary men, and those whom it was intended to direct. Sir, if simplicity was not originally contemplated by the framers of the constitution, why the imposition on the people in publishing it to the world? Was it not a prodigal waste of labor and materials, to furnish every citizen of our country with a copy of that which can only be understood by professional men, or such as are eminently skilled in scholastic research? It had better remain a secret, concealed amongst the musty rolls in the archives of State, than be a puzzle for mankind. As long as this instrument is preserved pure and untarnished, it will receive a becoming respect from your fellow-citizens—it will be regarded as "the stupendous fabric of human invention." Remember, the present argument, in several important points of view, affects posterity in common with ourselves. You had better commit the unintelli-

gible jargon to the flames, than by the agency of construction, neutralize wisdom by folly. Sir, if we have a constitution which the people cannot understand, I then say, cut the original into slips, and provide the means for a better; or, if that is not to be done, and we are to be ruled by the iron hand of power, in that case, as one of the American people, I will pray you to be graciously pleased to grant a plain bill of rights for our better government.

If we look back, and attentively view the occurrences which took place, when the law incorporating the present bank of the United States was enacted, we shall find our reasoning supported and confirmed by many important circumstances; we shall then perceive, that the act of incorporation was opposed on constitutional ground, by men who were and continue to be esteemed for their talents, political skill, judicial knowledge, probity and patriotism; and it has been admitted, that the arguments formerly urged are unanswerable. That the power to create corporations was never intended to be ceded on the part of the United States, is proved beyond all manner of contradiction; for we are told by the highest authority, by one who was a member of the General Convention, that it had been proposed to cede to Congress the power to create corporations, and that the proposition was rejected, after a deliberate discussion. In my opinion this decision is in proof of the sagacity and wisdom of those who made it; it was highly justifiable to retain this power to be exercised by the States; because, corporations are generally founded on circumstances, which are entirely local—as such, they can be better understood by the Legislatures of the respective States, than by that of the General Government.

The experience of every session proves that the decisions of Congress vary with the men who at different times compose that body; therefore, the act of February, 1791, can have no force in settling the principle contended for.

I have heard it urged, that the States have recognized the constitutionality of the United States' Bank, by their laws. I know of no law in any of the States, which declares this charter constitutional. Were it even proved, that several of the States had published this declaration, with me it would signify nothing, unless the sanction of two thirds of the States was thus had. On a former occasion, several of the States were induced, from peculiar circumstances, to relinquish for a time their right in favor of a particular case—I allude to the first establishment of the Bank of North America. If this had been intended to decide this very important question, without any reservation of their power in other cases, they would have expressed it in the most positive and unequivocal manner.

Sir, it may be asked, how did the Congress, whilst acting under the "Articles of Confederation," incorporate the Bank of North America, though their powers were no more extensive

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than those of the present Congress? We shall not lose by this investigation—they declared that “the exigencies of the United States rendered it indispensably necessary that such an act be immediately passed,” and, at that period, the Board of War confessed they had not money sufficient to pay the expense of forwarding an express to the Commander-in-chief of the Army! Notwithstanding such urgent necessities on the part of the General Government, they were too conscious of the rights of the States to attempt a usurpation of authority, or to pretend to force this act without their sanction; accordingly, we find the resolution by which this bank was established followed by another, which recommended to the Legislature of each of the States the necessity to pass such laws as they judged requisite for giving the ordinance, by which the subscribers to the Bank of North America were incorporated, its full operation; every provision in the charter of this bank, to have full effect, was recommended to the Legislatures of the several States for their approbation. (*See Journals of Congress for 1781, vol. 7th, pp. 257 and 258.*)

It is a well-known and an important fact, that the subscribers to the Bank of North America did not rest satisfied of the authority of Congress to incorporate them; subsequently to the original act of incorporation, they accepted from the Legislature of Pennsylvania a charter by which their privileges were very much abridged.

Some maintain, the States having made it penal to pass counterfeits of the notes of the United States' Bank, is in proof of their recognizing the constitutionality of the institution. No one will pretend that these laws were intended other than to guard the people against fraud. These statutes were enacted without any connection with or reference to the principle upon which the original act was founded. It is but too well known, notwithstanding these salutary provisions, that counterfeit bank notes of every denomination are in daily circulation. I will ask, what would be the case if such laws had not been passed by the States? Sir, if it requires all our care to prevent an inundation from such bank paper as is acknowledged to be genuine, for Heaven's sake do not risk the security of the people, by an indirect sanction of such as is known to be spurious!

FRIDAY, January 18.

A motion was made by Mr. FLEX, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 6, nays 59.

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The House again resolved itself into a Committee of the Whole on the bill to renew the charter of the Bank of the United States.

Mr. BURWELL's motion for striking out the first section being still under consideration.

Mr. P. B. PORTER.—Mr. Chairman: As this bank has excited so extraordinary an interest in every part of the United States, and particularly in the State which I have the honor to represent; as I am apprehensive, from what took place yesterday, that I shall be found, on this question, in opposition to a majority of my colleagues; and, (what will always be an imperative motive with me,) as I think this bill aims a deadly blow at some of the best principles of the constitution, I feel it my duty to state to the House the grounds on which I shall be constrained to vote for striking out the section now under consideration.

I acknowledge that I had not, until lately, paid any particular attention to the question of the constitutionality of this institution. I stand, therefore, in this respect, on safer ground than the respectable member from North Carolina (Mr. MAOON,) for I have no reason to suspect myself of any long-rooted prejudices on the question. The Bank of the United States was established at a time when I was not in the habit of troubling myself with such questions. I had been accustomed to think of it as an institution, the constitutionality of which was conceded by common consent. But, sir, when the question was again stirred, I felt it my duty to give it a thorough investigation before I should sanction it by my vote. I have given it, if not a thorough, at least a candid and impartial examination; and the result has been, a full conviction that we have no right to incorporate a bank upon the principles of the bill on the table, or rather, upon the principles of the original charter, which this bill proposes to renew. The ground of my objection is, that it assumes the exercise of legislative powers which belong exclusively to the State Governments.

I shall not touch the question of the expediency of this bank, much less the expediency of banking generally. If I were competent, which I confess I am not, to the task, I should think it a very unprofitable one, to follow the gentleman through all the mazes of the banking system—a system, sir, about the various and important operations and effects of which on civil society, aside from a few obvious truths which it furnishes, I have found that those gentlemen who have professed to understand them best, have differed most. As I propose to confine myself to the constitutional question solely, I hope I shall be allowed to take a little broader range on this point, than has been taken by the gentlemen who have preceded me.

I am aware how ungracious constitutional objections to the powers of this House are with those, and there are many such, who believe that the powers of the Federal Government are, at best, too contracted; and who would be glad to see all the State rights merged and sunk into a consolidated government. Whatever may be my speculative opinions on this subject, I can never be influenced, by motives of expediency, to swerve from my allegiance to the constitution. This sentiment is indelibly

fixed on my mind, and I trust it is a common one to the members of this committee. That, in adhering strictly to the obligation we have taken to support the Constitution of the United States, we not only perform a sacred duty to ourselves, but we render a better service to the real and permanent interests of our country than we could possibly render by a departure from that obligation; even though that departure were to avert so serious a calamity as a general bankruptcy—a calamity which, in order to alarm the timid, has been held out as the inevitable consequence of a refusal to renew this charter.

I should be surprised at the general acquiescence which seems to have been yielded to the constitutionality of this institution, did I not believe that others had been as superficial in their examination of the subject as I had myself. When objections are made to the constitutionality of the law, the people, in the cursory views which they are accustomed to take of such objects, are apt to adopt, as the tests of its constitutionality, the powers of the State and Federal Governments collectively; and if they find nothing in the law offensive to the principles of civil liberty, nothing uncongenial with the spirit of a Republican Government, they rest satisfied, and do not trouble themselves with nice distinctions between the powers peculiar to the one or the other of these Governments. Such reasoning would, however, ill become the sagacity of this House.

One of the most serious dangers with which our Government is threatened, and it is a danger growing out of the very nature and structure of the Government itself, consists in its tendency to produce collisions between State and Federal authorities. The Federal Government, as was observed by my learned colleague, (Mr. MITCHELL,) is *imperium in imperio*, a government within a government; and the misfortune is, that there exists no friendly third power to decide the controversies which may arise between these two great, independent, and, in many respects, rival authorities. The public peace must be kept, if kept at all, by the conciliatory dispositions of the parties themselves. As then we have a common interest in the preservation of both these Governments—as we are as well the subjects of the *imperio* as of the *imperium*, we ought to act with great circumspection and delicacy in the assumption of powers which do not clearly belong to us. It is better to forego the exercise of powers to which we are entitled, if the exercise of them is not very important, rather than hazard the assumption of doubtful ones, the fatal consequences of which my honorable friend from Virginia (Mr. BURWELL) has so justly deprecated.

The great line of demarcation between the powers of the State and Federal Governments is well understood. The powers of the State Governments extend to the regulation of all their internal concerns: those of the Federal Government to the management of all our external re-

lations—external as regards the individual States, as well as the States in their collective capacity. The general ideas upon which our Republic is founded, are these: That small territories are better adapted to the successful administration of justice than large ones. In a Republic, where the people are the sovereigns and source of power, it is important that, in order to enable them to execute this power discreetly, they should possess correct information in relation to the character and conduct of their rulers, and in relation also to the character of the measures which they pursue, or ought to pursue; and this information is better attained in a small than in a large territory. The individual States have therefore reserved to themselves the exclusive right of regulating all their internal, and, as I may say, municipal concerns, in relation both to person and property. But a single State may be inadequate to its own protection against foreign violence; it may also be unable to enforce the observance of proper rules and regulations for carrying on its foreign trade and intercourse. The Confederacy of the States is therefore formed for the purpose of attaining these two objects, namely, the regulation and protection of the trade and intercourse of the States with each other and foreign nations, and their security against foreign invasion. It has some other objects in view of minor consequence, and immediately connected with these principal ones. The Constitution of the United States is the basis of this confederacy; and it is only necessary to read the constitution to perceive that it is nothing more than a delegation of specific powers for these specific purposes, and that the general sovereignty of the States over their respective territories is expressly retained by the States.

But, sir, independent of these specific powers and duties of the Federal Government, it has another and distinct set of powers and duties to perform and execute. The national domain, as it has been called, embracing the lands acquired by the Revolutionary conflict; the lands since purchased of foreign nations; and the lands ceded by the several States to the General Government, belong to the United States in their federate capacity; and no individual State, as such, has any claim to or jurisdiction over them. As to these lands the powers of the United States are sovereign, independent, and complete: and the Congress of the United States is the only legitimate authority for the exercise of this sovereignty. The powers of Congress, then, in relation to these territories, include the powers of both the Federal and State governments, in relation to the States. I have adverted to this branch of the powers of the Federal Government as a means of dispelling the obscurity which has been thrown over the constitutional question, to which I shall soon come, by confounding the powers of Congress over the States, with their powers over the territories. Arguments, to which I shall have occasion to advert in the course of my observa-

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tions, have been used to justify the exercise of particular powers within the limits of the States, from our acknowledged right to and practical exercise of similar powers within the Territories.

In discussing constitutional questions, then, we lay down these axioms:—That in relation to the territories, the powers of Congress are supreme and exclusive; that in relation to the States, they are specifically defined and limited by the constitution—and that we have no right to exercise, within the limits of a State, any power as resulting from the general rights of sovereignty; because that sovereignty belongs to the States and to the people, and not to the Federal Government. To show that these two last positions are correct, I will read the tenth article in the amendment of the constitution: “The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.”

As, then, the incorporation of this bank involves the exercise of legislative powers within the jurisdiction of the States, in relation to the rights of property between the citizens of those States; and as no power to incorporate a bank, *eo nomine*, is to be found in the constitution, it would seem sufficient for us to rest the argument here, by a mere denial of the power, and to call on the advocates of the bank to show its constitutionality. An attempt to prove this constitutionality has been made—not, however, sir, by arguments advanced by gentlemen on the other side of the House in their places, (for they have, so far, observed, and I understand that they will continue to observe, a profound silence on this question,) but by arguments which have been gratuitously introduced, by the agent of the bank. I allude to the pamphlet which has within a few days past been printed and distributed among the members, containing the celebrated argument of General Hamilton, “on the constitutionality of a National Bank.” As that pamphlet is *de facto*, if not *de jure*, before the committee, I will, if the committee will indulge me, attempt to examine some of the principal arguments contained in it, and I will also notice some additional ones, advanced yesterday by my honorable friend and colleague on my left, (Mr. FISK.) In the course of the observations which I have to submit, I shall, without doubt, repeat arguments and remarks made by the gentlemen who have preceded me, and others which are familiar to the members of the committee. My excuse must rest in the difficulty of taking a connected view of the subject, without such repetitions. If I shall be so fortunate as to throw a single new ray of light on this important question, I shall feel amply remunerated for my trouble, and I shall think the time of the committee not altogether misspent.

The first argument in this pamphlet is founded on the sovereignty of the powers of Congress. The Federal Government is said to be sovereign as to all the objects for which that Government was instituted. A sovereign power

includes, by force of the term, a right to all the means applicable to the attainment of the end for which that power is given; and therefore Congress may, in virtue of their sovereign power, create incorporations for attaining the ends or objects of those powers.

This argument is founded on what the logicians call *petitio principii*, or begging the question. The proposition, that the Government is sovereign, is assumed, to prove that it possesses the attributes of sovereignty: or, in other words, the fact of sovereignty is assumed, to prove that sovereignty. If the position that the powers of this Government are sovereign as to all the objects of them, be proved, I will concede the consequence, to wit: that we have a right to establish corporations to attain these objects—but I deny the fact of sovereignty. The acts of Congress, it is said, are declared by the constitution to be the supreme law of the land: and the power which can make the supreme law of the land, is necessarily a sovereign power. But I deny that this is a correct definition, or exposition of sovereignty. It is not the high nature of an act, nor the authority of the act, that stamps the character of sovereignty on him who performs it. The sheriff of a county who puts a man to death, under the sentence of the law, executes an act of as high import and authority as human power can execute; and yet the sheriff of a county is not therefore a sovereign. His authority is a mere delegated authority—his act is a mere ministerial, mechanical act. The idea of sovereignty imports the exercise of discretion—of judgment—of will. It is of the very essence of sovereign power, that you may execute that power, or not execute it—that you may execute it when you will, and how you will. A sovereign power, as to any object, includes a right to any means, and all the means applicable to the attainment of the object. But, sir, do Congress possess sovereign powers, or, what is the same thing, discretionary means, as to the attainment of the objects of this Government? No, sir. The constitution is not a general authority to Congress to attain the objects for which the Government was established; but it is an enumeration of the particular powers, or means, by which, and by which only, certain objects are to be accomplished. If the powers of Congress were sovereign, they would of necessity comprehend all the means applicable to the attainment of their objects; but inasmuch as they are specific and circumscribed, that very circumstance proves that they are not sovereign. The people of the United States are the true sovereigns of this country. From them all power emanates, and on their will all the authority of this Government depends. The powers of the Federal Government are mere delegated chartered authorities; and in the exercise of them we are tied down to the letter of the constitution. We have, to be sure, a certain latitude of discretion allowed us, within the letter and pale of the constitution; and so far we may be said to possess a sort of limited qualified

sovereignty. But the constitution is the standard by which to measure the quantum and extent of our sovereignty. And our sovereignty, which is the result of the powers given in the constitution, is not the standard by which to measure the constitution. The constitution is the true bed of Procrustes—and our sovereignty, however unwillingly we may yield it, must be the victim.

Another argument, which is rather an argument to the favor than to the right of this bank, is, that it is an innocent institution; that, although its erection involves the exercise of legislative powers within the States, it does not abridge or affect the rights of the citizens, as secured to them by the laws of those States. A corporation, it is said, is a fiction of the law, a mere political transformation of a number of individuals from their natural into an artificial character, for the purpose of enabling them to do business to better advantage, and on a more extended scale; but, that when this political association, this legal entity, is once formed, it becomes subject to the laws of the State in which it happens to be placed.

I know, sir, that there is nothing formidable in the abstract idea of a corporation. It is a mere phantom of the imagination, invisible, intangible, and, of course, innocent. But, sir, when the legal effects of this incorporation are to invest the individuals whom it associates with privileges and immunities to which they were not before entitled; when this legal fiction is interposed to shield certain individuals from the liabilities to which they would be subject as ordinary citizens, it then becomes a matter of important and serious consequence. What are some of the legal effects of this incorporation?

One of its most obvious and distinguished characteristics is, that it exempts the private property and persons of the stockholders from all liability for the payment of the debts of the company. By the laws of every State in the Union, every man is, I believe, liable for the payment of his debts, to the full amount of his private fortune; and, in case that fortune prove insufficient, his personal liberty is at the disposal of his creditor; at least to a certain extent. Is not, then, the exemption from these liabilities an important immunity? Is it not an exclusive privilege secured to the stockholders of this bank? Assuredly it is. I know it has been said that a number of individuals may, by a private association, secure to themselves all the advantages of an incorporated company; that, by forming a common fund or stock upon which to do business, and issuing notes chargeable upon that fund, they may exonerate their persons and private property from all liability for the payment of the debts contracted in that business. I am no lawyer, sir; but if the law be what it is said to be, and what I believe it to be, *summa ratio*, then I pronounce this doctrine not to be law; for nothing can be more preposterous in principle than to say, that a man may, by his own act, avoid the force of an obli-

gation which the law has made universal and unqualified. If a man owes a debt, acknowledges he owes it, and has received a consideration for it, the law has prescribed the nature and extent of his liability to pay it; and it is not for him to say that it shall only be paid out of a certain fund, or particular part of his property, and no other. When men contract a debt jointly, the legal obligation to pay it extends as well to the persons and separate property of the individual partners, as to their joint property.

Another feature of this incorporation is, that it authorizes the stockholders to take usurious interest for their money. By the provisions of the law, the bank may issue notes and make discounts to double the amount of their capital stock; and, in addition to that, to the amount of any moneys which may happen to be deposited in their vaults for safe-keeping; and this, too, independent of the debts created by these deposits. The bank, then, may, and in fact, in many instances, does draw an interest on three or four times its capital. Every State in the Union has laws regulating the rate of interest, and in most of the States this rate is fixed at six per cent. a year. By these laws it is made penal for a man to receive more than six per cent. interest for the use of any sum of money which, by a loan, he puts at hazard, and the use of which he deprives himself of. Now, sir, this bank is permitted, contrary to those laws, to draw an interest on twenty or thirty millions of dollars, when, in truth, the whole extent of its responsibility, the whole sum which it puts at hazard, and the use of which it foregoes, is only its original stock of ten millions. In answer to this, it will be said that an individual may, by issuing notes to an amount greater than his property, legally receive an interest on a capital which he does not possess. But it must be recollected, in case of the individual, that, although he may not at the particular time possess a property adequate to the payment of his debts, yet that all the property which he may subsequently acquire, will be liable for the payment of those debts; and what is more, sir, his personal liberty is always put in jeopardy. In this point of view, the liability and the hazard of the individual may fairly be said to be co-extensive with the whole amount of the capital on which he draws an interest; and which is often the case with the bank.

This bank incorporation possesses other qualities at war with the laws of the several States; one of which is, that it authorizes stockholders, who may be foreigners, to hold real estate. But, sir, I will not detain the committee any longer on this part of the argument, for this institution cannot be said to be innocent, as regards the rights of the States, when its effects on the rights of property are to exonerate the stockholders from some of the most important responsibilities which the laws of the several States have provided for the payment of debts; and when it authorizes the taking of usurious

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interest. I lay it down, then, as a position which cannot be controverted, that the granting of this charter is not only an interference with the municipal regulations of the several States in relation to the rights of property; but that it is an infraction of the rights of individuals as secured by those regulations.

But it is contended, that a right to incorporate a Bank of the United States is delegated to Congress by the constitution: and five or six different provisions of the constitution are referred to as giving this right. It is said that it is implied in the power to lay and collect taxes, in the power to borrow money, in the power to regulate trade and intercourse between the several States, in the power to provide for the general welfare, and in the power to make all needful rules and regulations respecting the territorial and other property of the United States. The very circumstance of referring this right to many different heads of authority is, in itself, conclusive evidence that it has no very direct relation to any of them. For it can scarcely be imagined, that the single act of incorporating a bank can be at the same time any thing like a direct execution of so many and such distinct and independent powers. But I will examine these provisions separately.

Before I proceed, however, I will premise that all the arguments in support of the right to incorporate a bank, as deducible from the provisions of the constitution itself, are built up by the aid of the clause of the constitution, which has been sometimes called "the sweeping clause." I allude to the clause which declares that Congress shall have the right to pass all laws necessary and proper for the carrying into execution the delegated powers. All the powers in the constitution are given for certain ends or objects. But each power is not a *general* authority to attain a particular object, and comprehending, of course, *all* the means or powers applicable to its accomplishment; but, in most cases, it is a specific means for effecting some particular end, and all other means or powers (for means and powers are the same thing) conducive to the same end, are expressly excluded by the restrictive clauses of the constitution.

The mode of reasoning adopted by General Hamilton, and the other advocates of implied powers, is this: They first search for the end or object for which a particular power is given; and this object will be an immediate or ultimate one, as may best suit the purpose of the argument. Having ascertained the end or object, they abandon the power; or, rather, they confound the *power* and the *object* of it together, and make the attainment of the object, and the execution of the power given to accomplish it, convertible terms. Whatever, they say, attains the object for which any power is given, is an execution of that power. But the constitution gives to Congress a right to make all laws necessary and proper for carrying into execution the delegated powers; and, therefore, as the ex-

ecution of a power and the attainment of its object are synonymous terms, the constitution gives to Congress a right to make all laws necessary and proper for attaining the ends or objects for which the various powers in the constitution are given.

I beg leave to read a passage from this pamphlet: "The relation between the measure and the end, between the nature of the means employed towards the execution of a power and the object, must be the criterion of constitutionality." Here then is the axiom—now for the application of it. The constitution gives to Congress the power to levy taxes, and also the power to borrow money. But the establishment of a bank is neither levying taxes nor borrowing money; nor is the law incorporating the bank a law to levy taxes, or a law to borrow money. But the immediate end or object for which these two powers were given, was, to enable the Government to raise a revenue; and a bank may promote this object. Then, sir, by a dexterous application of the argument which I have stated, the fallacy of which consists in the sudden and unobserved transitions which are made from the power to the object, and from the object back again to the power, they prove that the establishment of a bank is in execution of the powers to lay taxes and to borrow money. I will now, sir, proceed to examine the particular provisions of the constitution which have been relied on, and to place the subject in some different aspects.

In the first place, then, it is contended that the right to incorporate a Bank of the United States is included in the power to lay and collect taxes. And what is the argument by which this position is maintained? Why, sir, it is said that the law, by creating bank paper and making that paper receivable in payment for taxes, increases the circulating medium in which taxes are paid, and of course must facilitate the payment of them. That whatever facilitates the payment of taxes facilitates also the collection of them; and whatever aids or facilitates the collection of taxes, is a means for their collection. And, therefore, the incorporation of a bank is in execution of the power to lay and collect taxes.

No man, sir, ought to complain of the weakness of a Government, whose powers may be *reasoned up* by logic like this. Amidst the infinite variety of relations and connections, and dependencies and analogies by which all human transactions are allied to each other, he must be a weak politician who cannot, by hooking together a chain of implication like this, justify any and every measure of political policy or economy, as a means of executing some of the powers with which this Government is intrusted. Take this latitude of implication or construction, and you want no other power but the power to lay and collect taxes. It may be tortured into a justification of every measure which ambition itself could desire. No tyrant ever made a law without assigning the public good

as the motive of it. No man on this floor, however wicked his designs, would venture to propose a measure (indeed few could be proposed) in favor of which he could not adduce some plausible argument, to show that it would tend to promote the general prosperity of the country. And in showing this he would show its constitutionality; for it is demonstrable that whatever would promote the general prosperity of the country, would, and for that very reason, facilitate, in some greater or less degree, the payment of taxes; and might therefore be justified as a means for the collection of taxes.

But, sir, the constitution, as I have said before, and I must repeat it again, for this is the radical source of all the error on this subject—the Constitution of the United States is not, as such reasoning supposes it to be, a mere general designation of the ends or objects for which the Federal Government was established, and leaving to Congress a discretion as to the means or powers by which those ends shall be brought about. But the constitution is a specification of the powers or means themselves by which certain objects are to be accomplished. The powers of the constitution, carried into execution according to the strict terms and import of them, are the appropriate means, and the only means within the reach of this Government, for the attainment of its ends. It is true, as the constitution declares, and it would be equally true if the constitution did not declare it, that Congress have a right to pass all laws necessary and proper for executing the delegated powers; but this gives no latitude or discretion in the selection of means or powers. A power given to Congress in its legislative capacity, without the right to pass laws to execute it, would be nugatory; would be no power at all. It would be a solecism in language to call it a power. A power to lay and collect taxes, carries with it a right to make laws for that purpose; but they must be laws to lay and collect taxes, and not laws to incorporate banks. If you undertake to justify a law under a particular power, you must show the incidentality and applicability of the law to the power itself, and not merely its relation to any supposed end which is to be accomplished by its exercise. You must show that the plain, direct, ostensible, primary object and tendency of your law is to execute the power, and not that it will tend to facilitate the execution of it. It is not less absurd than it is dangerous, first to assume some great, distinct and independent power, unknown to the constitution, and violating the rights of the States; and, then, to attempt to justify it by a reference to some remote, indirect, collateral tendency, which the exercise of it may have towards facilitating the execution of some known and acknowledged power. This word *facilitate* has become a very fashionable word in the construction of powers; but, sir, it is a dangerous one; it means more than we are aware of. To do a thing and to facilitate the doing of it, are distinct operations; they are distinct means;

they are distinct powers. The constitution has expressly given to Congress the power to do certain things; and it has as explicitly withheld from them the power to do every other thing. The power to lay and collect taxes is one thing; and the power to establish banks, involving in its exercise the regulation of the internal domestic economy of the States, is another and totally distinct thing; and the one is, therefore, not included in the other.

Again, sir, it is contended that the right to incorporate a bank is implied in the power to regulate trade and intercourse between the several States. It is said to be so, inasmuch as it creates a paper currency, which furnishes a convenient and common circulating medium of trade between the several States. Money, sir, has nothing more to do with trade, than that it furnishes a medium or representative of the value of the articles employed in trade. The only office of bank bills is to represent money. Now, if it be a regulation of trade, to create the representative articles or subjects of trade *a fortiori*, will it be a regulation of trade to create the articles or subjects themselves. By this reasoning then you may justify the right of Congress to establish manufacturing and agricultural companies within the several States; because the direct object and effect of these would be, to increase manufactures and agricultural products, which are the known and common subjects of trade. You might, with more propriety say, that under the power to regulate trade between the States, we have a right to incorporate canal companies; because canals would tend directly to open, facilitate and encourage trade and intercourse between the several States; and, in my humble opinion, sir, canals would furnish a much more salutary, direct and efficacious means, for enabling the great body of the people to pay their taxes, than is furnished by banks. But, sir, these various powers have never been claimed by the Federal Government; and, much as I am known to favor that particular species of internal improvement, I would never vote to incorporate a company for the purpose of opening a canal through any State, without first obtaining the consent of that State whose territorial rights would be affected by it. There can be no question but canal companies, and agricultural companies, and manufacturing companies, and banking companies, may all tend, more or less, to facilitate the operations of trade; but they have nothing to do with the political regulations of trade; and such only come within the scope of the powers of Congress.

But, it is again said, that the right to grant this charter is included in the power to borrow money. The right is attempted to be deduced by a train of reasoning similar to that employed in relation to the provisions which I have already noticed—by forming a string of implications, by which you prove that a power to act in certain cases, and in relation to certain subjects, implies the power to create those



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cases and subjects to act upon. The Government, it is said, may want and must have money, in any great national crisis. A National Bank with an extensive capital will furnish ample means for loans, will facilitate the exercise of the power to borrow; and, therefore, the right to establish such a bank is implied in the power to borrow. No one, but a logician, sir, would imagine that a power to lend and a power to borrow had any relation to each other, much less could he conjecture that a power to borrow, and a power to create the ability to lend, mean the same thing. A plain unsophisticated man, on reading the constitution, would say, that the power to borrow necessarily, and by force of the term, pre-supposed the existence of the ability and disposition to lend; and that it could not be exercised unless such ability and disposition should actually exist. But the favorite doctrine is, that all powers are given for particular ends, and include all the means applicable to their attainment. Here the end is to borrow money; to borrow honestly if we can, but—to borrow. The ability to lend is a necessary means or ingredient toward perfecting the execution of the power to borrow. But, sir, let me ask, whether the disposition to lend be not as necessary a means towards accomplishing a loan as the ability? It unquestionably is. And, of course, by the doctrine that the end justifies the means, you may coerce the will to lend—and this too equally, in cases where the ability is created by Congress, and where it is derived from any other quarter. A loan obtained by bringing into fair operation all the implications of this power would be borrowing in an off-handed style. Such a loan, if effected by Bonaparte, we should call robbery; but in this mild Republic, it would be nothing more than the fair exercise of an implied constitutional power.

I have pursued this argument thus far, merely for the purpose of showing the absurdities into which this doctrine of implication will lead us. But suppose, sir, that the argument of the gentleman on the other side of the question be correct, to wit: that the power to borrow implies a right to furnish the ability to lend. What, I would ask, is the probable fact, as to the facilities which this bank will afford the Government in borrowing?

It will be conceded that we shall have no occasion for borrowing, except in case of war; and if we have a war, the probability is, that that war will be with Great Britain—I say this, not as a party man, sir, but because the interests of that nation, from her situation, and her rival pursuits, will be much more likely to come in collision with ours, than those of any other power. Now it is a fact, in evidence before the committee, that more than one-half of the stock of this bank belongs to British subjects; and although, as foreigners, they can have no direct agency in the affairs of the bank, yet we well know that through the instrumentality of their friends and agents, of whom there are unfortu-

nately too many in this country, they may completely control its operations. Now I would ask, whether it is probable, that the British subjects would be willing to lend us money to carry on war against their sovereign? Would they not, on the contrary, exert the influence which they are said to possess over the moneyed interest of this country, for the purpose of depressing the credit of the country; for the purpose of crippling the operations of the State banks; and for the purpose of drying up the sources from which the Government might otherwise calculate to derive supplies? But, sir, this has little to do with the question of constitutionality, to which I will again return.

Another ground upon which the constitutionality of this institution has been attempted to be supported, is, that it is necessary to the regular and successful administration of the finances. There is no question, but the bank and its branches afford convenient places for the deposit and safe keeping of the public revenue. It is not to be controverted that they also furnish a safe, convenient, expeditious and cheap means for the transmission of moneys from one part of the United States to another, as they may be wanted by the Government; and if these facilities were not to be attained in any other way, I should say it would afford an argument in favor of a bank. Not a bank infringing and violating the rights of the States; but, a bank upon principles consistent with those rights.

But, sir, is there not, in every State in which there is a branch of the United States' Bank, also one or more State banks, of equal respectability, and of equal security—at least to the extent of any sum for which they are willing to undertake? These State banks may be used as depositaries for the public moneys, and they will be equally safe and convenient. And if you will give to these State banks the advantages of these deposits, as you have hitherto given them to the United States' Bank, they will furnish means for the transmission of moneys from place to place, equally safe, convenient, cheap and expeditious. This object will be attained by connections which will be formed between the banks of the different States. Such connections have already in many instances been formed. But they have not been carried to the extent they otherwise would have been, on account of the United States' Bank and its branches; between which there is so intimate and so necessary a connection.

But, in answer to this, it is said that if the Bank of the United States would be constitutional without the existence of the State banks, it is equally so with. That a power which is once constitutional is equally so at all times, and under all circumstances. That a right which must depend for its existence on the will of the State Legislatures, over whom we have no control, is incomplete, and indeed, as to us, is no right at all. This argument is founded on the supposition that the Federal Government is a

complete Government, containing in itself all the principles and powers necessary for its own operations, which supposition is wholly false. The Federal Government does not profess to be complete in itself. It is expressly predicated on the existence of the State Governments; and most of the facilities for its exercise are derived from the State governments. It cannot perform even its own peculiar powers and functions, without the aid and co-operation of the State authorities. How, let me ask you, sir, is your Government constituted? Your Senate is appointed directly by the State Legislatures. Your President and House of Representatives, indirectly, by the same authority. Suppose they should neglect or refuse to make these appointments, can you compel them to do it? No, sir. Can you punish them for not doing it? Not in the least. They may appoint or not, as they think proper; and if they should neglect or refuse to do it, your boasted complete Government would die a natural death, by its own imbecility. It is not fair, then, to say that a power is constitutional, because the Government would be incomplete without it. It is not fair to say, that what would be constitutional without the existence of the State Governments and their appendages, is equally so with. This would prove that you have a right to appoint your own President, Senate and House of Representatives. It would go to usurp all the powers of the State Governments; for the Government could not be said to be complete without possessing the powers of both Governments combined. Indeed, this Federal Government cannot be said to be complete as to a single power, without all the auxiliary powers of the State Governments; for there is not a single act which it can perform without their assistance, directly or indirectly. The very bank law now under consideration is an illustration of this—for how are the provisions of this law to be enforced; how are the debts which it authorizes to be contracted to be collected, but through the medium of the State courts? The doctrine of perfect rights, then, if it prove any thing, proves too much. If it proves that, in order to manage your revenues, you may establish banks within the States; it equally proves, that, in order to carry the provisions of your bank laws into execution, you may establish courts and offices within the States for that purpose. I think then, sir, I may fairly conclude, that so long as the State Governments furnish you with all the facilities which you can reasonably require for conducting your revenues by means of their State banks; so long it will be unnecessary—so long it will be improper—and, therefore, so long it will be unconstitutional to invade the jurisdiction of the States, to establish national banks.

But, sir, I will conclude by again cautioning my Republican friends, and my worthy colleague in particular, to beware how they familiarize themselves with this doctrine of constructive power. It is a creed at war with the vi-

tal principles of political liberty. The pride and the boast of the American Governments is, that they are the governments of the laws and not of men—that they are the regular and necessary operations and results of principles and powers, established in the moments of cool and deliberate reflection, by the combined wisdom of the nation; and that they are not the effects of the momentary passion, pride, interest, whim, or caprice of a few individuals collected on this floor.

Little did the framers of this constitution, when they were so nicely adjusting and balancing its various provisions—when they were so carefully erecting guards and barriers against the encroachments of power and ambition—little, I say, sir, did they imagine, that there lay concealed under the provisions of this constitution, a secret and sleeping power, which could, in a moment, prostrate all their labors with the dust. Still less, sir, did the people when they adopted this constitution, with even more caution and scruple than that with which it was formed, conjecture that they were signing the death-warrant of all their State rights. But, once adopt the doctrine that you may travel out of the letter of this constitution, and assume powers, merely on the ground that they will tend to facilitate the execution of powers which are here given; and you compass, at a single sweep, all the rights of the States; and form the basis of a consolidated Government.

Let the principle of constructive or implied powers be once established, in the extent to which it must be carried in order to pass this bill, and you will have planted in the bosom of this constitution a viper which, one day or another, will sting the liberties of this country to the heart.

When Mr. PORTER had concluded his speech, the question was taken on striking out the first section, and carried—59 to 46.

The committee rose, and reported to the House, who adjourned without taking a question on the report.

SATURDAY, JANUARY 19.

Another member, to wit, from New York, BARENT GARDENIER, appeared, and took his seat.

*Bank of the United States.*

Mr. SAWYER called for the order of the day on the unfinished business of yesterday—the bill continuing the charter of the Bank of the United States.

[The first section had been struck out in Committee of the Whole, and the bill reported to the House, and the question now was upon concurrence with that vote in committee. On that question the debate was renewed in the House, and, of necessity, the same ground gone over which had been trod in committee, and still more extensively. Finally the vote was taken, and the concurrence carried by one vote! so

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*Amendment to the Constitution.*

[H. OF R.]

close was the contest in both Houses—in the Senate the question decided by the casting vote of the Vice-President—in the House, by one vote. The following were the yeas and nays:]

**YEAS.**—Lemuel J. Alston, William Anderson, Ezekiel Bacon, David Bard, William T. Barry, Burwell, Bassett, William W. Bibb, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Richard Cutts, John Dawson, Joseph Deaha, John W. Eppee, Meshack Franklin, Barzillai Gannet, Gideon Gardner, James Gholsen, Peterson Goodwyn, Edwin Gray, James Holland, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Alexander McKim, William McKinley, Samuel L. Mitchell, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Porter, Peter B. Porter, John Rea of Penn., John Rhea of Tennessee, Matthias Richards, Samuel Ringgold, John Roane, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, Samuel Smith, Henry Southard, George M. Troup, Charles Turner, jr., Archibald Van Horne, Robert Weakley, Robert Whitehill, Robert Witherspoon, Richard Wynn, and Robert Wright.

**NAYS.**—Joseph Allen, Willis Alston, jun., Abijah Bigelow, Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, William Findlay, Jonathan Fisk, Barent Gardenier, David S. Garland, Charles Goldsborough, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, William Helms, Jonathan H. Hubbard, Jacob Hufty, Ebenezer Huntington, Richard Jackson, jun., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Robert Le Roy Livingston, Vincent Matthews Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Jonathan O. Mosely, Thomas Newbold, John Nicholson, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Thomas Sammons, John A. Souder, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Nicholas Van Dyke, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.\*

And then the House adjourned until to-morrow morning eleven o'clock.

**SATURDAY, JANUARY 26.**

Another member, to wit, from Massachusetts, EDWARD ST. LOE LIVERMORE, appeared, and took his seat.

\* Thus terminated the existence of the first Bank of the United States; but there was a fatal defect in terminating it in not providing a general currency in place of its notes, by reviving the gold currency and in not creating an independent treasury for keeping the public moneys. Those who terminated the existence of the second bank avoided these errors, and thereby avoided all the evils and embarrassments which followed the termination of the first one.

**TUESDAY, JANUARY 29.**

*Removal of Federal Judges on address of Congress.*

**AMENDMENT TO THE CONSTITUTION.**

**MR. WRIGHT.**—Believing, as I do, that the Constitution of the United States is not perfect, and as provision is made in the body of the instrument for amending its imperfections in the manner therein prescribed, I feel it an imperative duty to propose an amendment to it. Here let me remark, that its adoption was opposed by the patriots of America, at the time of its ratification, because of omissions important to liberty. It had not guarded against an establishment of religion; it had not secured the right of the people to keep and bear arms; it had not guarded against soldiers being quartered in our houses in time of peace, without our consent, it had not guarded against warrants being issued without oath; it had not guarded against a man's being put to answer without previous indictment; it had not secured the criminal in the trial by jury; it had not secured the trial by jury in cases of common law, and these omissions as due guards to the liberty of the citizens stand recorded in these amendments almost coeval with the instrument. The terms Federal and anti-Federal had their origin in the zeal of the respective parties at that time; the one insisting on its adoption with all these imperfections on its head, while the other insisted on these amendments; and it has always appeared to me, that on the adoption of the amendments that those who were called anti-Federals were really the Federals, the constitution being perfected by the adoption of these amendments. The foregoing amendments test its original imperfection, and I trust will lead this House to a temperate examination of the amendment I now propose to submit.

The amendment, sir, is to place the judiciary of the United States on the same foundation that the British judiciary are placed by their laws; by enabling the President, on the joint address of the Senate and House of Representatives of the United States, to remove a judge.

In England the judges held their commissions during the pleasure of the Crown, till the time of Charles the First, when the Parliament imposed upon the King the necessity of granting them during good behavior; till then the Crown, as the fountain of justice, held the uncontrolled direction of the commissions of the judges. At the same time, sir, the High Commission Court and Star Chamber were abolished. In the thirteenth year of William the Third, the judges, by statute, were to hold their commissions during good behavior, and by the same statute they may be removed by the joint address of both Houses of Parliament; and here let me remark, that under that tenure and responsibility, the British judiciary have attained a celebrity in history for their judicial integrity and correctness highly honorable to them, and which this amendment, I fondly hope, in time, may correctly attach to the judiciary of the

United States. There are a variety of cases where the exercise of this power may be necessary for the safety of the people, which ought to be the supreme law. This power, I trust, will never be abused by the American Congress. I do not recollect a case under the British Government, where for fifty years it has been exercised, and I trust we shall not ascribe to ourselves an indisposition to the correct discharge of those functions which have been correctly exercised or rather not exercised at all for fifty years by the British Government. If in England, where the Crown is hereditary, the Lords hereditary and for life, and the Commons for seven years, this tenure and responsibility has been found necessary, I trust in this Government, where the President is for four years, the Senate for six, and the House of Representatives for two years, this judicial tenure and responsibility will be thought expedient, and that this amendment will be adopted by Congress, particularly as it is but a preliminary decision—as it must be submitted to the States, and cannot go into operation but by the consent of three-fourths of the United States. I have therefore thought fit to submit this resolution, and hope the reasons assigned will induce you to believe that I think it of such importance to the nation as to entitle it to your attention.

Mr. W. then submitted the following resolutions:

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:*

*Resolved, That the judges, both of the Supreme and Inferior Courts, may be removed from office on the joint address of the Senate and House of Representatives of the United States.*

The House refused to consider the motion—45 to 88.

WEDNESDAY, January 30.

*Jared Shattuck's Claim.*

The House resolved itself into a committee of the Whole on the report of the Committee of Claims on the petition of Jared Shattuck—59 to 29.

The report is favorable to the claimant—a bill for the relief of this person having in two former sessions passed this House, but not been acceded to in the Senate.

Mr. MONTGOMERY, in a speech of some length, opposed the claim, and moved that the committee rise, with a view to printing the papers relating to the claim, which he conceived was not fully understood.

This motion was debated, and lost—56 to 48.

The report was also debated, and agreed to—57 to 89.

The committee then rose and reported their agreement to the report.

THURSDAY, January 31.

Another member, so wit, from Massachusetts, ORCHARD COOK, appeared, and took his seat.

*Mississippi Territory.*

The House resolved itself into a Committee of the Whole, on the report of the select committee in favor of admitting the Mississippi Territory into the Union on an equal footing with the original States.

A desultory debate of two or three hours took place on the resolution.

MESSRS. POINDEXTER, JOHNSON, GHOLSON, McKIM, SHEFFY, HOLLAND, and WRIGHT, spoke in favor of the resolution, and MESSRS. BACON, PITKIN, QUINCY, BIGELOW, and BLANDELL, against it. The arguments in favor of its passage were, among others, that the territory could, when possessing a population of 60,000, claim admission as a right; that it now contained probably 45,000, and would, more than probably, before a Representative could be elected under the new constitution, contain full 60,000 souls; that, after admitting Orleans to the rank of a State, with a minor population, at the present session, it would be the height of injustice to refuse the same privilege to Mississippi, which had been so much longer a part of the united territory, and against the admission of which into the Union none of the constitutional objections had weight which had been urged against the admission of Orleans. The opponents of the resolution argued that some respect was due to the feelings, however grounded, of the eastern States, in relation to the creation of new States on the western waters; that the admission of one State during a session was sufficient; if two were admitted into the Union, in the course of three months, the people of the eastern States would be justly alarmed at the diminution of their relative weight in the scale of the Union; that, since it was acknowledged the new State could not be represented before the thirteenth Congress, there could be no occasion for pressing this subject so urgently at this time. Why not, it was asked, wait for the actual census of the territory? The very solicitude which was manifested to get this subject through Congress, it was said, showed there was something wrong, and was a strong argument against the adoption of the resolution.

The resolution was agreed to in Committee of the Whole—ayes 62.

The committee rose, and reported their agreement to the resolution.

The question was then taken to concur with the Committee of the Whole in their agreement to the said resolution, and resolved in the affirmative—yeas 68, nays 47.

FRIDAY, February 1.

*Commercial Intercourse.*

The House went into Committee of the Whole on the following bill reported by the Committee of Foreign Relations:

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*Commercial Intercourse.*

[H. of R.]

A bill supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

*Be it enacted, &c., That no vessel owned wholly by a citizen or citizens of the United States, which shall have departed from a British port prior to the second day of February, one thousand eight hundred and eleven, and no merchandise owned wholly by a citizen or citizens of the United States, imported in such vessel, shall be liable to seizure or forfeiture, on account of any infraction or presumed infraction of the provisions of the act to which this act is a supplement.*

Mr. EMOTT moved to amend the same by striking out the words in *italic*, and to insert in their place, "or merchandise." The bill, as amended, would read as follows:

"That no vessel or merchandise shall be liable to seizure or forfeiture on account of any infraction, or presumed infraction, of the provisions of the act to which this act is a supplement."

Mr. EMOTT.—Mr. Chairman: As the bill which is now on your table is calculated to relieve our merchants in part from the restrictive system which has again been attempted to be put in operation, I so far approve of it; but as it does not appear to me to go far enough, I rise for the purpose of moving an amendment, which, if adopted, will once more give us a clear deck; and while I am up, the committee will permit me, as concisely as the nature of the subject will admit, to assign the reasons which induce me to propose the amendment.

By the law of the first of May last, the President was authorized, in case either of the great belligerents, before the third of March, revoked her anti-neutral edicts, to proclaim the same, and if the other did not in three months also revoke, a non-intercourse with her was to follow. On the second day of November, the President had proclaimed, as a fact, that France had made the necessary revocation; and it follows, if he was correct as to the fact, that on the second day of this month, the non-intercourse went into operation against Great Britain.

As many formerly, and more latterly, have doubted as to the fact thus proclaimed, it becomes, sir, a duty which we owe to ourselves and to the people, to inquire into its existence; for if it be true that no such repeal, as was contemplated by the law, has taken place; if, indeed, the President has been deceived, or was mistaken, we cannot too soon make it known, and relieve the country from the vexation and embarrassment which must result from the present state of things.

If, sir, additional motives were necessary, we may find them in the bills which have this morning been introduced into the House by the chairman of the Committee of Ways and Means, at the instance of the Secretary of the Treasury, one of which goes to lay large additional duties, and the other to authorize a loan. The reasons assigned by the Secretary for this new and heavy tax on our citizens are, that as the greater part of our duties on imports are collected on

goods coming from Great Britain and her colonies, and as those duties will cease with the revival of the non-importation, it becomes necessary, in order to prevent a defalcation in the revenue, to tax the production of other countries much beyond the present rate. On this presumed defalcation, too, in some degree depends the proposition for a loan, or, if a loan be necessary, the amount of it. In this point of view, it becomes highly important to ascertain whether the non-intercourse has gone into operation; for if it has not, I trust we shall not proceed to give form and shape to the recommendation of the Secretary, that we shall not burden the country with new taxes, or subject it to large loans.

In the commencement of this inquiry, Mr. Chairman, we naturally ask ourselves, what edicts are to be revoked, and how are they to be revoked? It is not material to extend this inquiry to Great Britain, as we know of no revocation on her part, and, under all circumstances, we have not, I fear, much reason to believe that there will be such revocation. But it may be well to notice here something which has the appearance of inconsistency, on the part of our Executive, towards that Government.

The non-intercourse law of March, 1809, contains a provision, that, "in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States," the President shall declare the same by proclamation, and the non-intercourse was then to cease as to the nation revoking. It was under this law, and in consequence of the power so given to the President, that the celebrated, though ill-fated arrangement, was made between the Executive and the British Minister, Mr. Erskine. Now, sir, by referring to this arrangement, you will find, that on April 18, Mr. Erskine proposed to Secretary Smith the revocation of the orders in council of January and November, 1807, as a compliance on the part of Great Britain with the terms of the act of March; and our Secretary, on the same day, declaring that the withdrawing of such orders would be deemed satisfactory by the President, the arrangement was completed on the 19th, and a proclamation accordingly issued on the ground, and assuming the fact, that the British edicts had ceased to violate our neutral commerce, and again opening the intercourse between the two countries after the 10th of June.

This arrangement, and the short and hasty correspondence connected with it, you will recollect, sir, were presented to Congress with the Message, at the opening of the summer session of 1809, and we then passed a law, the object of which was to ratify and to carry into effect the arrangement. Here, then, we have an explicit opinion from both the Executive and the Legislature, that the only British orders which came within the spirit and intent of the law of March, were those of January and November

1807, and that, when those orders were revoked, the edicts of Great Britain ceased to violate the commerce of the United States.

I pray you now, Mr. Chairman, to turn with me to the law of May last; you will there find the precise phraseology of the act of March: "In case either Great Britain or France shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States," the President is to make known the fact by proclamation. The authority given to the President is in both cases the same, and it was to have been presumed that it would have been exercised on the same terms. But, sir, it will be found, on referring to the papers, that, under the act of May, the Executive made a further requisition. The revocation of the orders in council of January and November was not to satisfy us, but the blockade of the year preceding was to be also annulled.

In the letter from Secretary Smith to our Minister at London, of the 5th of July, 1810, and which enclosed a copy of the law of May, it is said, "that in explaining the extent of the repeal which is required on the British side, Mr. Pinkney will let it be distinctly understood, that it must necessarily include an annulment of the blockade of 1806;" and our minister accordingly, in his letter to Lord Wellesley, of the 21st of September, tells him it is his duty to state "that an annulment of the blockade of May, 1806, is considered by the President to be as indispensable, in the view of the act, as the revocation of the British orders in council." Nay, so far has the President gone in this particular as to give the French Government a pledge that this will be required on the part of Great Britain. In the letter from Secretary Smith to General Armstrong, of the 5th of July, 1810, the latter is authorized, if it should be found necessary, to "let it be understood that a repeal of the illegal blockades of a date prior to the Berlin decree, namely, that of May, 1806, will be included in the condition required of Great Britain."

It is not my intention at this time, to enter into a discussion on the subject of blockades, nor am I to be understood as giving countenance to the system of paper blockades, whether that system proceeds from or is attempted to be enforced by England or by France; but, sir, I have gone into this examination to show that the President has acted differently under two laws which ought to have the same practical construction, because the terms used in them were alike; that under the law of May, 1810, he added a condition to a settlement with Great Britain; which he did not require under the law of March, 1809; and why this difference?

Will it be said, that when the arrangement was made with Mr. Erskine the President had no knowledge of the blockading orders of May, 1806? Not so, sir. By recurring to a report made by Mr. Madison, as Secretary of State, in December, 1808, of belligerent decrees and orders affecting neutral commerce, you will find

this very blockade; and certainly what he knew as Secretary in December, he must have known as President in the April following. Shall I be told the President had discovered that the blockade had been "avowed to be comprehended in, and identified with, the orders in council?" I fear this will not be a satisfactory answer. For, in this case, if the orders in council are rescinded, the connection between them and the blockade will then stand as it was supposed by the Executive to stand when the arrangement was entered into.

Persons, Mr. Chairman, more prone to jealousy than myself, and who are disposed to find fault with the late Executive projects, may perhaps point to that passage in the letter from Secretary Smith to Mr. Pinkney, of the 22d of May, 1810, in which it is said, that the President has read, with surprise and regret, the reply of Lord Wellesley to the note requiring explanations with respect to the blockade of France, which "evinces an inflexible determination to persevere in the system of blockade," as affording a reason for this added condition: they may say that it was thrust in when our Administration were satisfied that it would not be acceded to by the British, and for the purpose of preventing an accommodation with, and keeping up the irritation against, that nation. But while, for myself, I disclaim this inference, I must confess that I am at a loss to assign a sufficient motive for the difference in the two cases.

As to France, sir, what were the edicts to be revoked, and how revoked? I shall have occasion, before I sit down, to notice the Berlin and Milan decrees. But were there not other decrees?

We have before us the Rambouillet decree, with a date of the 23d of March, 1810, which declares that "all vessels navigating under the flag of the United States, or possessed in whole or in part by a citizen or subject of that power, which, counting from the 20th of May, 1806, have entered, or shall enter into the ports of our Empire, of our colonies, or of the countries occupied by our arms, shall be seized, and the product of the sales shall be deposited in the surplus fund." Thus embracing almost the whole of continental Europe; for, with the exception of the Russian ports on the Baltic, and two or three places in the European peninsula, every port frequented by the Americans belonged either to the Empire of France, to the colonies of that Empire, or to countries occupied by the forces of the Empire. The seizures under this decree were consequently great and distressing to our merchants.

This decree purports to be an act of reprisal on this country, and for what cause? Not for any act of hostility by us; not for any seizures or confiscations of French vessels or French property under the authority, or within the limits of this Government. No, sir, a pretence of this kind appeared too absurd to be inserted even in a French decree. It is true that

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General Armstrong, in his letter to Secretary Smith, of the 10th of September, 1810, communicates a verbal explanation which accompanied the last letter of the French Minister: "If you confiscate French property under the law of non-intercourse, they will confiscate your property under their decree of Rambouillet." Ay, sir, and they have given a practical explanation that they would confiscate our property under the decree, although we did not confiscate their property under the non-intercourse law. Look at the decree itself, and you will find the motive, or rather the pretext for this act of reprisal. It is grounded on the passing of the act of the 1st of March, 1809, and it is grounded on that alone.

Thus, because we deemed it advisable to pass a law which we supposed was a mere municipal regulation, inasmuch as it related to our own citizens or our own territories; a law, which, according to its letter, applied equally to both belligerents, and which was not to commence its operation until the 20th of May, contained in itself a notice sufficient to prevent any injury to French subjects; for this cause, and for this alone, the Emperor adopts, as an act of reprisal, a decree which subjects to seizure and confiscation, not only American property which should reach the continent after notice of the decree, or even after its date, but property which arrived there at any time for the preceding twelve months. I will not stop to inquire what would and what ought to have been the feelings of the Administration and of the country, if such an outrage had been committed by England for such a cause. But, sir, if the French Government is allowed to have in the act of March an excuse for reprisal, we had better discontinue making laws altogether; for it is difficult to find in our statute book a law less hostile to France, or more within the right of an independent Government to enact.

To see the true character of this decree, we must approach it a little nearer; and with the letters of the Duke of Cadore in my hand—those letters, sir, which have occasioned our present embarrassments—I am strangely deceived if this proceeding of the French Government does not appear to partake of the nature of an offence which, as respects individuals, is called swindling. It is a taking of property under false pretences.

Allow me now, Mr. Chairman, to present you with another view of this decree. The Duke of Cadore, in his letter of the 5th of August, 1810, says: "Now Congress retrace their steps; they revoke the act of the 1st of March; the ports of America are opened to French commerce, and France is no longer interdicted to the Americans." And in his letter of the 7th of September, he uses these expressions: "His Majesty has always wished to favor the commerce of the United States. It was not without reluctance that he used reprisals towards the Americans, while he saw that Congress had ordered the confiscation of all French

vessels which might arrive in the United States."

"As soon as His Majesty was informed of this hostile act, he felt that the honor of France, involved in this point, could not be cleansed but by a declaration of war." Now "the American vessels which shall arrive in France, will not be subject to confiscation, because the act of Congress, which had served as a motive to our reprisals, is repealed." From this exposition of the views of the French Government, handed to us by the Minister of Exterior Relations, we perceive that he places the Rambouillet decree entirely to the account of the non-intercourse law of March; and from the course of reasoning used by him, it seems to be admitted that the decree, and the seizures under it, could not be justified, but while the obnoxious law was in force.

But we here again meet with another of the mistakes of this most just Government, which is so jealous of its honor and so friendly to our commerce. The fact happens to be that the law never was repealed. By its own limitation it expired with the then session of Congress, and, of course, went out of existence on the 28th of June, 1809. Thus this poor law, which is now brought up in judgment against us, had quietly descended to the tomb of the Capulets almost a year before the Emperor and King thought it consistent with his interest, or for the honor of his empire, to commence his measures of retaliation. The limitation clause could not have escaped the attention of His Majesty when he read the law; and, I trust, we yet have pride enough to believe that he knows there is an American Congress, and notices the periods of our meeting and departure, if he is careless about our proceedings. When, therefore, Napoleon issued the plundering decree of Rambouillet, he knew that the law on which he placed his justification had long since expired. But he knew a further fact, that the law never did affect French vessels. The British navy kept them at home, and we excluded English vessels only. Such was the practical and the only practical operation of our law.

I am aware that the apologists of the Emperor will point to the act of the 1st of June, 1809, as reviving or continuing certain sections of the law of March. Let me not be misunderstood, Mr. Chairman. I do not mean to insinuate that the Emperor has apologists in this House, in this ark of independence and liberty of a great people; but, in whatever place this suggestion shall be offered, it may be answered that the French Government have not noticed the last law in their decrees, or in any of their official papers. And it may be further remarked that the law of June, like that of March, was limited to the end of the next session of Congress, and, of course, ceased its operation on the 1st of May, 1810. As the decree issued on the 14th of May, and the seizures under it were after that time, it would seem, to a man of common understanding, who believes the transactions between nations are, or ought to be,

regulated by the rules of honest, plain dealing, that the Emperor, when he had knowledge of the fact, would have loosened his hold on our property. And yet we find that, when we approach him on this subject, he laughs us to scorn.

The object which I had in view, in this examination of the Rambouillet decree, was, to mark its true character, to show that this decree emphatically outraged our neutral rights, and that, if it was submitted to by this country, our code of national rights will be found hereafter in the same books with those of the kingdoms which belong to the Confederation of the Rhine. Our merchants are induced to adventure to France by a prospect of large profits, and by promises of great security if their vessels have not been "denationalized." They take there many a valuable cargo, until the amount of property becomes an object of imperial attention, and then it is seized upon by an irresistible and unrelenting hand, without notice, and upon pretexts void of any foundation. Can a decree, or order, or edict, be pointed out in the long history of our wrongs and our sufferings, which is more strongly marked with injustice, or which more strongly "violates our neutral commerce?"

I will not detain the committee by entering into a particular examination of the French decrees, which, in the commencement of the last year, authorized the seizure of such a number of American vessels at St. Sebastians, at Naples, and in the North of Europe. It would lead me too far into the views and conduct of the French Government towards this country, for the purposes of this discussion. But, sir, in this volume of documents, I see, with emotions which I am sure are in unison with those of the American people, the famous note, signed "Champagny, Duke de Cadore," of the 4th of February last, written to justify those seizures, and, as he says, "that the President may the better know the friendly intentions of France towards the United States, and her favorable dispositions to American commerce;" in which we are told that we are "without just political views, without honor, and without energy." And are we so sunk in the estimation of the mighty conqueror, that he thinks it necessary and proper to use this as his official language towards us? Surely, sir, he mistakes the character and the spirit of this people if he believes they are to be broken down, or brought into his views, by insults or threats. As our Government had, a few months before, discharged and disgraced a British Minister for a supposed insult by an insinuation, it was to have been expected that, on this occasion, equal spirit would be shown. But to such as formed corresponding expectations, what will be their feelings when they find that the only Executive notice of the note is found in the letter of Mr. Smith to General Armstrong, of the 5th of June last, in which the Secretary says, that, "as the John Adams is daily expected, and as your farther communications by her will better enable me to

adapt to the actual state of our affairs with the French Government, the observations proper to be made in relation to the seizure of our property, and to the letter of the Duke of Cadore, of the 14th of February; it is, by the President, deemed expedient not to make, at this time, any such animadversions."

Let us now see, Mr. Chairman, whether these decrees have been "so revoked or modified as that they ceased to violate the neutral commerce of the United States."

These decrees have two distinct operations, the seizure of our property, and the subsequent sale of that property; and, without attempting to prove a proposition which appears self-evident, I shall take it for granted that, if it was an infringement of our rights to seize the property, it is equally an infringement of our rights to proceed to the confiscation and sale of such property. Nay, sir, if we allow to the French Government the plea of retaliation, the infringement of our rights will commence with the confiscation and sale of our vessels after the cause of retaliation has been removed by us, and known so to be by the Emperor. A revocation or modification of these decrees, so that they should cease to violate our fair commerce, therefore, would look as well to an indemnity for the past as a security for the future; it necessarily includes a restoration of the property already taken, as well as an engagement against future captures. This appears to have been, at one time, the opinion of our Administration; for you will find, by recurring to the letter from Secretary Smith to General Armstrong, of the 5th of June, 1810, which enclosed a copy of the law of May, the determination of our Executive is thus made known: "If, however, the arrangement contemplated by the law should be acceptable to the French Government, you will understand it to be the purpose of the President not to proceed in giving it effect, in case the late seizure of the property of the citizens of the United States has been followed by an absolute confiscation, and restoration be finally refused." And in the letter from Mr. Smith to General Armstrong, of the 5th of July, this determination is expressed with added strength: "As has been heretofore stated to you, a satisfactory provision for restoring the property lately surprised and seized by the order, or at the instance of the French Government, must be combined with a repeal of the French edicts, with a view to a non-intercourse with Great Britain; such a provision being an indispensable evidence of the just purpose of France towards the United States."

Without asking for the evidence which the President had as to the repeal or modification of these decrees, I now put it to the committee whether every member of it is not perfectly convinced that if any modification, or suspension, or repeal, has taken place, it goes no farther than to restrain future seizures, leaving the property already seized to take the course of confiscation and sale? Do we not know, that, in



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the months of October and November, our vessels and merchandise have been brought under the hammer in pursuance of those decrees; and have we not lately seen, in our public journals, a list of some eighteen or twenty ships advertised by the French Government for sale at Bayonne, on the 5th of December? Nay, sir, the Executive was informed, before he issued his proclamation, by the letter from the Duke of Cadore to General Armstrong, of the 12th of September, 1810, that, "as to the merchandises confiscated, it having been confiscated as a measure of reprisal, the principles of reprisal must be the law in that affair." Words cannot be found which would more satisfactorily "evinced an inflexible determination" to retain the property. As the principles of reprisal are to be the law, it follows that a restoration of the property depends on the discretion of the Emperor, and is not to be claimed by us as a matter of right, but of favor. And what have we to propose, according to the principles of reprisal, to obtain the restoration? Is it, that we have suffered the non-intercourse law to expire? Why, sir, this had taken place long before the letter of the Duke of Cadore. Is it a restoration of French property seized under the law of non-intercourse? This cannot take place; because, in truth, there was no such seizure.

We will now examine whether there has been such a revocation of the Berlin and Milan decrees as warranted the proclamation. And here let me remark that, when the President acted under this law, he was not exercising the treaty-making power. He was the mere agent of the Legislature, and as such agent, he was confined and limited by his letter of attorney, the law. He had not, therefore, as has been asserted, a discretion, nor had he any thing to do with considerations of comity or courtesy. He was to ascertain when there was an actual and practical revocation, and then make known the fact; the consequences were left with the legislature. Indeed, sir, this power to give publicity to a fact might have been committed to one of the Secretaries, or to a clerk in the office, and if it had, we should have smiled at the suggestion that its exercise depended on considerations of courtesy.

Mr. Chairman, when the proclamation first appeared, my impression was, and such, too, I understood to be the general impression, that the President had some document unknown to the American people. The letter of the Duke of Cadore, of the 5th of August, was already before the public, but it was not credited that on this letter the proclamation had been issued. Since we have received the Message the subject is at rest. It is now known and acknowledged that the President had not, and to this moment has not, any other evidence of a revocation. Now, sir, in this letter, I see neither the form nor the substance of a revocation.

What is the understanding of the French courts and officers, on this subject. I have already presented you with that part of the letter

of the Duke of Cadore, of the 5th of August, in which he says, that since Congress have retraced their steps, by revoking the act of the first of March, "France is no longer interdicted to the Americans." Now, if this letter is in the form of a decree, it revokes or modifies the Rambouillet decree equally with those of Berlin and Milan, inasmuch, as long as the former continued in force, France was interdicted to the Americans. And yet we find, in a letter of the Duke of Cadore, of the 7th day of September, our Minister inquiring, "Has the decree of His Majesty of the 22d day of March last been recalled?" And General Armstrong, in his letter to Mr. Smith of the 10th of September, remarks, that this inquiry "may appear to have been useless, after the declaration, that American ships which will hereafter arrive in the ports of France shall not be subject to confiscation; but understanding from the Council of Prizes, that until some act be taken which had the effect of recalling, by name, the decree of the 23d of March, they must consider it both as existing and operative, and of course binding upon them," and he had presented the subject again.

Here, then, we have the opinion of the French court, most known and most important to us, the Court of Prizes, that the letter of the Duke of Cadore is not in the form of a decree, and has not the force and effect of a decree. In addition to this, we have the act of seizure of the brig *New Orleans Packet*, by the director of the customs at Bordeaux, in December last, under the Berlin and Milan decrees. As the letter of the Duke of Cadore had been published in France prior to this period, no one will believe that if it was in form of an edict of the Empire, the seizure would have been made.

But if the contents of this letter had been embodied in a formal act, would it have amounted to such a revocation or modification of the Berlin and Milan decrees, as that they ceased to violate our neutral commerce?

I remark first, that the revocation, if it be one, was a future and not a present revocation. "The decrees of Berlin and Milan are revoked, and, after the first of November, they will cease to have effect." Now, sir, although there is an affected obscurity in this sentence, the intent is most obvious. As long as a law continues in operation, so long it must be unrepealed, and as these decrees were to have effect until the 1st of November, it follows, that on no construction can they be considered as revoked until that period. Indeed, on this point the Duke of Cadore is quite explicit in his letter to General Armstrong of the 7th of September, in which he tells him, that American vessels arriving in France before the first of November, although not liable to confiscation, "will be subjected to all the effects of the Berlin and Milan decrees."

But, again: the revocation, if any, was not only future, but it was also conditional; "it being understood, that in consequence of this declaration, the English shall revoke their Orders in Council and renounce the new principles

of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English." A condition—a qualification—a restriction. Is it not obvious, from the very terms of the letter, that it contains a condition that the repeal is a qualified one? The words "it being understood," are not only expressive of this, but they are singularly appropriate. If, however, we were inclined to doubt, we must be satisfied by the letter of the Duke of Cadore to General Armstrong, of September 7th, in which it is said, that the Emperor "repeals his decrees of Berlin and Milan, under the conditions pointed out in my letter to you of the 5th of August."

Our Ministers, General Armstrong and Mr. Pinkney, appear to have puzzled themselves much about this condition, to discover whether it was a condition precedent, or a condition subsequent. To me, sir, the idea of a condition subsequent to a repeal, is rather novel; but it may nevertheless be just. In common understanding, it is believed, that when a law is repealed it is extinct, and if it be so, then its appendage, the condition, would seem to be at an end of course. But in the view which I am about to take of this subject, it is not necessary to settle this point, as it must be conceded, that whether we call the condition a condition precedent, or a condition subsequent, the same consequence will follow: if the condition is not complied with, the decrees must be in force still. Now, sir, it appears to me that the conditions, attached to this pretended or proposed repeal, are of a nature which have not, and will not be complied with.

First, sir, as to the conditions on the part of England: "The English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish." With respect to the Orders in Council, I have nothing to say either as to their justice or their policy. Heaven knows they have been to us, from the moment of their inception, sore evils; the causes of great vexation, embarrassment, and losses; and I hope the period is not far distant when we shall be no longer disturbed by them. But, sir, I wish to call your particular attention to the other branch of the condition, that relating to blockades. We have been so long in the practice, and justly in the practice, of complaining of paper blockades, that at the first blush we are induced to believe the condition relates to them, and to them alone. Are these the blockades which are intended? Let the Emperor and King answer for himself. In the official note from Count Champagny to General Armstrong, of the 22d of August, 1809, we have this declaration: "A place is not truly blockaded until it is invested by land and by sea; it is blockaded to prevent it from receiving the succors which might retard its surrender. It is only then that the right of preventing neutral vessels from enter-

ing it exists." But we have it under the hand and seal of the Emperor himself, what he means by the "new principles of blockade." In the Berlin decree there is an enumeration of real or pretended interpolations, on the part of Great Britain, in the law of nations; among which we discover these: "that England does not admit the right of nations as universally acknowledged by all civilized people; that she extends to ports not fortified, to harbors and mouths of rivers, the right of blockade, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports." And it is declared that "the decree shall be considered as the fundamental law of the Empire, until England has acknowledged that the rights of war are the same on land as at sea—and until the right of blockade be restrained to fortified places actually invested by competent forces."

There can be no misunderstanding on this subject. The Emperor offers to give up his Berlin and Milan decrees, if the British will renounce their new system of blockade; and in these very decrees he explains what he means by this new system; that, besides paper blockades, it is the attempt to blockade the mouths of rivers and harbors, and ports not fortified. Now, sir, I will admit, if we could prevail on Great Britain and France thus to limit the right of blockade, it would add much to our security at home; for as we have no fortified places, although we may have places with fortifications, it would follow that we should never be subject to a blockade. But is it true that according to the usages of nations this is a novel system, or one now, for the first time, put in use by the British? Or is it believed, that a nation like England, whose effective force for offence and defence is a maritime force, can or ought to subscribe to a system of blockade which confines its exercise and right to "fortified places actually invested?" What would be the effect of such a system in the present war? France has surely not to apprehend an invasion from England; and if any of the commercial places on her extensive coasts are fortified, the fortifications may be dismantled or destroyed with great safety. As soon as this is done they become "harbors and ports not fortified," and have no longer to apprehend any inconvenience from the pressure of a naval force. Is it not obvious that England will not comply with her part of the condition, and that the Emperor never expected that she would?

As to the conditions on the part of this country—"The United States, conformably to the act you have just communicated, shall cause their rights to be respected." What rights, Mr. Chairman? The right of not being vexed or endangered by paper blockades? Yes, sir, and more; the right of not being interrupted in a commercial intercourse with cities situated on rivers, as Antwerp for instance; or to carry on a free trade with all the continental ports and harbors not fortified, although the whole Brit-

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ish navy may be cruising at the mouth of the river, or in sight of the port. But we have a further declaration of neutral rights which the French Emperor says he will allow when France has a marine proportioned to the extent of her coasts and her population, and which, so long as the British shall continue to be masters of the sea, he insists we shall claim and exercise. Thus, in the note from Count Champagny to General Armstrong, of the 22d of August, 1809, "France admits the principle that the flag covers the merchandise. A merchant vessel, sailing with all the necessary papers from its Government, is a floating colony. To do violence to such a vessel by *visits*, by *searches*, and by other acts of an arbitrary authority, is to violate the territory of a colony. This is to infringe on the independence of its Government." In other words, the flag is to protect the property, and search is not to be permitted. I pray you, sir, to bear in mind, that since the formation of this Government, and under every Administration, the right of blockading, by an actual present and efficient force, ports and places not fortified; the right of search, and the principle, that enemy property is not protected by the character of the vessel, has been recognized or conceded.

But how are we to cause these rights to be respected? By putting in force the non-importation law? Suppose the British should not believe themselves excessively injured by this measure; that, in fact, it operated to their advantage, and we are suffered to bring on premature decay and old age, by this political quackery. Would this satisfy the Emperor? No, sir. He would soon tell us that we had not caused our rights to be respected. It is idle to believe that he will deem the non-importation a compliance with his condition; nor, to me, does his language convey this idea. We are to oppose, or declare ourselves against the British, and in the spirit of our law and of his declaration, we are to cause our rights to be respected, not by self-destroying measures, but by actual force and open hostility, if the English nation will not, without it, subscribe to the terms which have been presented to it. Recollect the history of our embargo and former non-intercourse, the propositions made under them by our Government to the French Government, and how these propositions were received, and you will be satisfied of the nature and extent of the present condition.

And now, let me ask, whether we are prepared for these conditions? Whether we believe in all the rights which the French Emperor condescends to claim for us from the British, although he will not admit them himself? And whether we are prepared to go to war for them? To me the conditions, both on the part of this country and Great Britain, appear inadmissible. At all events, I think that the President, before he acted on a proposition so loose and general, which admits of so much doubt, and can, by fair construction, be carried

to such extravagant lengths, ought to have asked and received explanations and particulars.

But it may be said that the letter of the Duke of Cadore, if not itself a decree, is evidence that there is a rescinding decree. To my mind, Mr. Chairman, it has internal marks to the contrary; but, without troubling the committee with any further comments on the letter, I observe, that viewing it as a mere matter of evidence, it may be fortified or explained by other evidence. I have already read to you parts of the letters from Secretary Smith to General Armstrong, of the 5th of June and the 5th of July, which declare the determination of the President not to carry the non-intercourse law into effect against England, unless France not only revoked her decrees, but restored our sequestered property. We are to presume that our Minister made known this determination to the French Court, as it was his duty so to do. Now, with this declaration before him, is it to be credited that the Emperor would revoke his decrees, when he was given to understand that the revocation would lead to no result on our part, inasmuch as he did not release our property? Is it not obvious, from this circumstance alone, that the letter is a mere proposition in answer to the one made by our Government, expressive of the views, and stating the terms on which the Emperor would revoke?

Again, sir, we have the letter of Mr. Russell to Secretary Smith, of the 11th of December, 1810, informing our Government that the brig New Orleans Packet had been seized at Bordeaux a few days before, under the Berlin and Milan decrees, by the director of the customs. And we have had communicated to us, by the President, the note from Mr. Russell to the Duke of Cadore, of the 10th of December, stating this seizure to have been made under the decrees, and giving an additional fact, that the case of this vessel was the first which had occurred after the first of November, to which the decrees could be applied. As this seizure was made under the decrees, it shows the impression in France to be, that they still are existing and in force; and the evidence is the stronger, as coming from the custom-house of one of the principal trading towns, where surely the revocation must have been officially known, if it had taken place. I am aware it is said that Mr. Russell must have been misinformed as to the cause of the seizure; or that the custom-house officer mistook his duty. But as to both of these suggestions, I will only remind you of the silence of the French Government. The remonstrance of Mr. Russell was handed to the French Minister on the 10th of December, and the vessel which bore the despatches, brought Paris accounts to the 27th of December, and did not leave France until the 1st of January. If Mr. Russell had any explanation or answer from the French Government it would have been communicated to us; but he had none. The silence of the French Minister is equal to an express affirmation of the act of

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the custom-house officer, and is an admission that the decrees have not been revoked.

SATURDAY, FEB. 9.

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On motion of Mr. EPPES all the orders of the day were laid on the table, and the House resolved itself into a Committee of the Whole on the bill supplementary to the act concerning commercial intercourse, &c.

Mr. EMOTT's motion being under consideration, to amend the bill so as to repeal the law of May last, &c., Mr. REHA made a motion superseding that, viz: to strike out the whole of the bill.

Mr. EPPES said, that when, on a former day, this bill, designed only for the relief of our own citizens, was under discussion, subjects not at all connected with its merits were brought into view. A gentleman from New York (Mr. EMOTT) presented to the House on that occasion his view of our foreign relations, and exercised all his ingenuity to show, as it is but too often the practice here, that the Government of the United States is exclusively wrong, and the Government of Great Britain exclusively right. It seems that in this enlightened age new duties are assigned to a Representative. Under the pressure of every injury which foreign influence can inflict, a Representative is considered as discharging his duty, if, with a fine-spun web, he can present, under a suspicious aspect, either the motives or the acts of the Executive branch of his Government. No nation, ancient or modern, unless in the last stage of corruption, can be produced where, as in the United States, periods of difficulty have been seized by the Representatives, and the weight of their talents exclusively employed for increasing the public embarrassments. The speech of the gentleman from New York, however well he may have covered it under mildness of manner and a fine-spun argument, is designed to convey to the people an idea, that the Executive has manifested partiality towards France in the late arrangement. The gentleman tells us, that while the Minister of one foreign nation was denounced here for an implied insult, the letter of the Duc de Cadore to Mr. Armstrong is passed over almost in silence; that the Secretary of State, in a letter to General Armstrong, tells him that the President thinks it unnecessary to make any remarks on it. The gentleman ought to have gone further, and stated the whole fact: that the letter of General Armstrong in answer to the Duc de Cadore was approved by the President; that, by the approval, he adopts as his own the language and sentiments of that letter. The letter of General Armstrong, by the approval of the President, has become the act of his Government. For the sentiments contained in that letter the American Government is responsible, and not General Armstrong. The firm, manly, and eloquent reply of General Armstrong to the Duc de Cadore stands precisely on the same

footing as if it had been originally written under the directions of the Government. General Armstrong did not wait for instructions. He repelled, in a style comporting with the dignity of his station, the charges of the Duc de Cadore. The President, through the Secretary of State, approves his letter, adopts it as his own, and says he has nothing to add. Well, indeed, sir, might he say so, because the Minister had already said, in a style as pleasing to his country as to his Government, all that the occasion demanded. But, sir, the gentleman from New York cannot agree with his colleague in considering the President of the United States correct in issuing his proclamation. Why, sir, does the gentleman disapprove of the President's proclamation? Because, says the gentleman, the letter of the Duc de Cadore, of August, was not a repeal of the Berlin and Milan decrees. It is a mere promise that on a certain day they shall be withdrawn. When, sir, the President received the declaration of Mr. Erskine, the British Minister, that, on a particular day, the Orders in Council would be withdrawn, and issued a proclamation founded solely on that declaration, his conduct was warmly approved by men of all parties. The gentleman from New York joined in the burst of applause heaped on that Executive act. Was the letter of Mr. Erskine a repeal of the British orders? Unfortunately, we know practically it was not. Was it such a repeal as the gentleman contends ought to have taken place of the Berlin and Milan decrees, viz: under the sign manual of the Emperor? No, sir, it was just such a letter as that of the Duc de Cadore. In both cases the word of the Minister was taken as a pledge, and, on examining the two letters, so far as they may be considered a pledge, the words are nearly the same. I approved of the arrangement with Mr. Erskine; so did the gentleman from New York. I cannot see any difference in the ground taken by the Executive, except that one arrangement was with Great Britain, and the other with France. The one affected the interests of Great Britain; the other affects the interests of France. The gentleman from New York, more nice in distinctions than myself, may, perhaps, satisfy himself and the people that these two cases are marked by lines so strong as to render the conduct of the Executive in the one case an object of applause and approbation for himself and his friends, and in the other of suspicion and censure. It is not, however, my intention to pursue the gentleman through his argument. There is one part of it which I consider it a duty to pass in review, inasmuch as it is calculated to give to the public an erroneous view of the grounds taken by the Executive in the recent negotiation with Great Britain. The gentleman says, the President has not only required of Great Britain to withdraw her orders, but her blockades also. This, he says, she cannot and never will yield. This declaration is made, too, in the presence of the agent of Great

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Britain, who must have heard with delight the American Executive held up to suspicion, and an American Representative declare, on the floor of Congress, that demands were made on Great Britain, not sanctioned by the law of the last session. In order, sir, to support this declaration, the gentleman gives a view of the demands of the Executive on Great Britain totally incorrect and contradicted by every part of the correspondence before us. The gentleman tells you, that we have demanded of Great Britain not a withdrawal of the Orders in Council only, as contemplated by the law of last session, but of her "novel blockades." To establish the demands of the Executive, he turns, not to the correspondence, but to the Berlin or Milan decrees, and takes for our demand on Great Britain the definition of blockade given by the French Emperor. The gentleman is entirely mistaken as to the demand made of Great Britain by the Executive. The revocation of but one blockade, viz: that of May, 1806, is included in the demand of the Executive. The features of this blockade render it different from all other blockades. It is, in fact, from its character, more like the Order in Council, a permanent regulation in commerce, than a blockade. I will, however, first show from the correspondence, that the President did not, under the act of the last session, require the revocation by Great Britain of any blockade except that of May, 1806; and then, that from the peculiar features of that blockade, it must have been included in the demand made under the act of the last session. In the Message of the President, at the commencement of the session, pages 4th and 5th, we find the demand stated in the following terms:

"Under the modification of the original orders of November, 1807, into the orders of April, 1808, there is, indeed, scarcely a nominal distinction between the orders and the blockades. One of these illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be, in effect, comprehended in the Orders in Council, was too distinctly brought within the purview of the act of Congress, not to be comprehended in the explanation of the requisites to a compliance with it. The British Government was accordingly apprised by our Minister near it, that such was the light in which the subject was to be regarded."

This is the language of the President. In pages 88 and 89 of the correspondence, we find the declaration of Mr. Smith, our Secretary of State, to General Armstrong, in the following words:

"If the non-intercourse law, in any of its modifications, was objectionable to the Emperor of the French, that law no longer exists.

"If he be ready, as has been declared in the letter of the Duke of Cadore, of February 14, to do justice to the United States, in the case of a pledge on their part not to submit to the British edicts, the opportunity for making good the declaration is now afforded. Instead of submission, the President is ready, by renewing the non-intercourse against Great Britain, to oppose to her Orders in Council a measure which is

of a character that ought to satisfy any reasonable expectation. If it should be necessary for you to meet the question, whether the non-intercourse will be renewed against Great Britain, in case she should not comprehend, in the repeal of her edicts, her blockades which are not consistent with the law of nations, you may, should it be found necessary, let it be understood, that a repeal of the illegal blockades of a date prior to the Berlin decree, namely, that of May, 1806, will be included in the condition required of Great Britain; that particular blockade having been avowed to be comprehended in, and, of course, identified with the Orders in Council. With respect to blockades, of a subsequent date or not, against France, you will press the reasonableness of leaving them, together with future blockades not warranted by public law, to be proceeded against by the United States in the manner they may choose to adopt."

In pages 45 and 46, we have the declaration of General Armstrong and the Duke de Cadore. Mr. E. then read the following:

*From General Armstrong to Mr. Pinkney.*

PARIS, January 25, 1810.

"SIR: A letter from Mr. Secretary Smith, of the first of December last, made it my duty to inquire of His Excellency the Duke of Cadore, what were the conditions on which his Majesty the Emperor would annul his decree, commonly called the Berlin decree; and whether, if Great Britain revoked her blockades, of a date anterior to that decree, his Majesty would consent to revoke the said decree? To these questions I have this day received the following answer, which I hasten to convey to you by a special messenger:

ANSWER.—"The only conditions required for the revocation, by his Majesty the Emperor, of the decree of Berlin, will be a previous revocation, by the British Government, of her blockades of France, or a part of France, (such as that from the Elbe to Brest, &c.,) of a date anterior to that of the aforesaid decree."

In page 47, we have the statement of Lord Wellesley to Mr. Pinkney:

"I have the honor to acknowledge the receipt of your note of the fifteenth ultimo, wherein you request to be informed whether any, and if any, what blockades of France, instituted by Great Britain during the present war, before the first day of January, 1807, are understood by his Majesty's government to be in force? I have now the honor to acquaint you, that the coast, rivers, and ports, from the river Elbe to Brest, both inclusive, were notified to be under the restrictions of blockade, with certain modifications, on the 16th of May, 1806; and that these restrictions were afterwards comprehended in the Order of Council of the 7th of January, 1807, which order is still in force."

In page 71 of the correspondence, Lord Wellesley declares, in a letter to Mr. Pinkney:

"The blockade, notified by Great Britain in May, 1806, has never been formally withdrawn. It cannot, therefore, be accurately stated, that the restrictions which it established rest altogether on the Order of Council of the 7th of January, 1807; they are comprehended under the more extensive restrictions of that order. No other blockade of the ports of France was instituted by Great Britain, between the 16th of May, 1806, and the 7th of January, 1807, excepting the blockade of Venice, instituted on the 27th of July, 1806, which is still in force."

From this, sir, it appears that if we are to credit the President, the Secretary of State, General Armstrong, the Duc de Oadore, and the British Minister, Lord Wellesley, the demand was confined to the blockade of 1806. Was this blockade such a violation of the neutral rights of the United States as to come decidedly within the act of the last session? Let us examine its features. This blockade is a compound one, presenting three distinct characters:

1. It obstructs a trade from one port to another of the same enemy—France for example. This trade has been denied latterly though not formerly, by Great Britain, to be free to neutrals. The United States assert the neutral right to it.

2. It obstructs a trade from the port of one enemy to the port of another—from a French to a Dutch port, for example. This is a principle not before asserted by Great Britain. The present Cabinet of Great Britain contended against its conformity to the law of nations, in opposition to their predecessors, who attempted to justify the orders of January, 1807, on that principle.

3. It obstructs the direct trade of neutrals from their own country to any part of the coast from the Elbe to Brest—a coast not less than a thousand miles. For this part of the blockade there can be no defence which is not applicable to the Orders in Council. This blockade has been continued for four or five years. No force, either adequate or inadequate, has been stationed for carrying it into effect. No new notification has been given. It is, in fact, like the Orders in Council, a permanent regulation of commerce, and has nothing of the character of a blockade, except the mere name. This blockade consists in great part of the same prohibition with the orders of January, 1807, in which it is said to be comprehended; that is, against a trade along the belligerent coast. If the orders be unlawful, therefore, the blockade must be so; and if the orders be repealed as a violation of neutral trade, in compliance with the act of Congress, the obligation to repeal the blockade, as a like violation, cannot be contested. This blockade of May, 1806, is in violation of the principles laid down by all authors on the subject of blockade. It is in violation of the principles laid down in all the treaties which attempted to define a blockade. It is in violation of the principles contended for by every Administration under the American Government, from the period of WASHINGTON to the present time. The correspondence under General WASHINGTON's Administration, between the Secretary of State and Mr. Hammond, may be referred to for the principles asserted under that Administration. In the correspondence before us we have the principles as laid down by General Marshall and Mr. King. To these I will refer.

Mr. E. then read the following extracts of letters from Mr. King and Mr. Marshall:

*From Mr. King.*

"Seven or eight of our vessels, laden with valuable cargoes, have been lately captured, and are still de-

tained for adjudication; these vessels were met in their voyages to and from the Dutch ports, declared to be blockaded. Several notes have passed between Lord Grenville and me upon this subject, with the view, on my part, of establishing a more limited and reasonable interpretation of the law of blockade, than is attempted to be enforced by the English Government. Nearly one hundred Danish, Russian, and other neutral ships have, within a few months, been, in like manner, intercepted, going to and returning from the United Provinces. Many of them, as well as some of ours, arrived in the Texel in the course of the last winter; the severity of which obliged the English fleet to return to their ports, leaving a few frigates only to make short cruises off the Texel, as the season would allow.

"My object has been to prove that, in this situation of the investing fleet, there can be no effective blockade, which, in my opinion, cannot be said to exist without a competent force, stationed and present at or near the entrance of the blockaded port."

*Extract of a letter from Mr. King to Lord Grenville, dated*

*LONDON, May 23, 1799.*

"It seems scarcely necessary to observe, that the presence of a competent force is essential to constitute a blockade; and although it is usual for the belligerent to give notice to neutral nations when he institutes a blockade, it is not customary to give any notice of its discontinuance; and that consequently the presence of the blockading force is the natural criterion by which the neutral is enabled to ascertain the existence of the blockade, in like manner as the actual investment of a besieged place is the only evidence by which we decide whether the siege is continued or raised. A siege may be commenced, raised, recommenced and raised again, but its existence at any precise time must always depend upon the fact of the presence of an investing army. This interpretation of the law of blockade is of peculiar importance to nations situated at a great distance from each other, and between whom a considerable length of time is necessary to send and receive information."

*Extract of a letter from Mr. Marshall, Secretary of State, to Mr. King, dated*

*SEPTEMBER 20, 1800.*

"The right to confiscate vessels bound to a blockaded port, has been unreasonably extended to cases not coming within the rule, as heretofore adopted.

"On this principle, it might well be questioned, whether this rule can be applied to a place not completely invested by land as well as by sea. If we examine the reasoning on which it is founded, the right to intercept and confiscate supplies, designed for a blockaded town, it will be difficult to resist the conviction that its extension to towns, invested by sea only, is an unjustifiable encroachment on the right of neutrals. But it is not of this departure from principle—a departure which has received some sanction from practice—that we mean to complain. It is, that ports, not effectually blockaded by a force capable of completely investing them, have yet been declared in a state of blockade, and vessels attempting to enter therein have been seized, and, on that account, confiscated."

I have shown, from the correspondence, that the blockade of May, 1806, was the only one included in the demand of the Executive. I

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have shown that it is not only a violation of our neutral rights, but of the principles contended for by men of all political parties under every administration of this country; and I cannot but express my regret that the gentleman from New York should consider that, under the law of the last session, this blockade ought not to have been included in the demand of the Executive on Great Britain; that he should declare in the hearing of the British agent that demands had been made by the Executive of the United States which it would be extremely convenient for us if Great Britain would allow, but which she never could yield. The gentleman from New York has entered into an argument to show that the Berlin and Milan decrees are not repealed. We have just heard of the arrival of a French Minister; he has left France at a time to bring us certain information on this question. I have no wish to enter on this interesting question, with a bandage round my eyes. Whether France has complied with her engagements; whether France has failed in her engagements, cannot be a subject of ingenuous speculation many days longer. Whatever may be the information received, I shall endeavor to adhere to what I deem the real interests of my country, and, so far as I am able, to maintain its rights against the unprincipled aggressions of every foreign nation.

I will now make a few observations on the bill before the House. It contains but a single section, and exempts from forfeiture goods owned wholly by citizens of the United States, which shall have departed from a British port prior to the second day of February, 1811. When the report of the Secretary of the Treasury on the subject of modifications of the non-intercourse system was referred to the Committee on Foreign Relations, it appeared to be the unanimous sentiment of the committee, that goods which had left a British port, before the President's proclamation reached the port, ought to be exempt from the penalty of the non-intercourse law, although they might not arrive until after the 2d day of February. It was considered not inconsistent with an honest compliance with our engagements with France, and seemed to be required by that general principle of policy which is adhered to in all free countries, of allowing sufficient notice to its citizens of the commencement of penalties and forfeitures. The bill for enforcing the non-intercourse system was reported with that limited provision. After the bill was printed various statements were received by the committee, all tending to show that the orders of our merchants were sent out in September and October; that, from the change in the actual state of commercial capital in this country, goods were at present purchased with cash, and not only became the property of our citizens under the orders of merchants sent before the President's proclamation issued, but were at the risk of the purchasers; that these goods were actually paid for before the President's proclamation issued; that they could not

be brought in before the second day of February. The committee having previously decided that time ought to be allowed for the President's proclamation to reach a British port, and taking into view the great injury our own citizens would sustain from a rigorous construction of the law, determined to extend the time to the ultimate period at which a citizen could put his property on board without infringing the laws of his country. It is not supposed that the construction put upon the law is strictly within its letter—it is, however, perfectly within its object. It was designed to operate on the nation refusing to modify or withdraw its edicts. To give it a construction which would either confiscate property *bona fide* American, or lock it up in British ports, would be to destroy our own resources, and produce no effect on Great Britain. Under the sixth section of the law, it is not made unlawful to put on board British manufactures with the intent to import them, until the expiration of the three months after the proclamation; its being unlawful after that period depended on Great Britain's following the example of France and revoking her edicts; according, therefore, as the citizen was more or less sanguine, his interest might be more or less involved by supposing that Great Britain would withdraw. Orders sent previous to the issuing of the President's proclamation violated no existing law. Those sent afterwards cannot be considered as given in violation of law, inasmuch as the commencement of the law depended on a contingency, viz: the modification or withdrawal of the British orders. There is another circumstance which operated on the committee: The law of the last session was not considered by the committee as a plain rule of action which every citizen could clearly comprehend, and so arrange his affairs as to avoid its penalties. The fourth section of the act of last session revives certain sections of another act, on the happening of a certain event, three months after that event shall have been proclaimed by the President. This reviving section does not declare that on and after three months from the date of the President's proclamation there shall be non-intercourse, but that particular sections of a former non-intercourse law shall be revived. Each of the revived sections contain the words "20th of May next," and it has been made a question whether these words are revived as part of the sections. It is not supposed by me that such is a proper construction of the law. It is only stated for the purpose of showing that the law was not in that clear, decided form in which penal statutes ought to be enacted. In the construction given to the law, more regard was paid to its objects and principles than to its strict letter. And if, for the purpose of affording relief in cases peculiarly hard and operating on our own citizens exclusively, we have placed on the law a construction not warranted by its letter, I hope we shall be justified by the purity of the motives under which we have acted.

Mr. EMOTT explained.

Mr. STURGES said he was happy that he felt himself so situated that he could avoid that course of discussion upon the present occasion, so much reprobated by the honorable gentleman (Mr. EPPES) from Virginia. He said he should not undertake to enter into a discussion of our foreign relations, nor say much upon our restrictive system; that his friend from New York (Mr. EMOTT) had already done that fully and ably.

He said he was at present inclined to support the amendment proposed by the honorable gentleman, (Mr. RHEA, of Tennessee,) and if the words should be stricken out as proposed by that gentleman, (as one good turn deserved another,) he hoped he would be disposed to support a proposition, which he (Mr. S.) would then submit to the committee. If the committee should agree to strike out, Mr. S. would then propose to insert in lieu thereof, after the words "be it enacted" the following words, (which he read to the committee,) viz: "That an act entitled an act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, passed May 1, 1810, be and the same is hereby repealed."

Mr. S. said he was inclined to favor the amendment of the gentleman from Tennessee on another ground. He was not willing to imply by any vote of his a recognition of the efficacy of the non-intercourse law, so called; which could not, in his opinion, upon any principle, have any operative force, until the 20th of May next. He flattered himself, if gentlemen would be so good as to attend to him, that he should be able to demonstrate to their satisfaction the truth of this position; and that the chairman of the Committee of Foreign Relations, exercising his usual candor, would himself be satisfied. The law, passed March 1, 1809, contained a number of sections which went to prevent importations from Great Britain and France, and their dependencies. This law (containing a clause limiting its duration) was to expire at the end of the next session of Congress. The then next session of Congress ended the last of June, 1809. The law of March, 1809, therefore, then expired. The law of May 1st, 1810, enacted that certain sections of that of March, 1809, should be revived upon certain contingencies. Those sections, thus revived, are the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 18th. Mr. S. then recurred to those sections, and read the third, which is as follows:

[The section was here read.]

Mr. S. said it was unnecessary to read the other sections to which he had referred, as the phraseology, as to the time when they were to take effect, was the same as in the section which he had read. He said it would not answer the purpose of gentlemen who held a different opinion from him, to argue in such a case as the present, from the intention of the Legislature.

He said it was a principle, in construing penal statutes, to construe them strictly. But he said it was not necessary for him, in support of his position, to resort to this rule of construction. The words of these sections are explicit, and the meaning plain. They are revived in the law of May, 1810. They must be considered as revived in *totidem verbis*—as the whole of the sections are revived generally, it is not competent to say that one part of the section is revived, and not the other part. If they had been transcribed *verbatim*, and incorporated in the law of May, 1810, there could have been no question; and there can be no difference as to this point between that case, and reviving them without excepting any part. Mr. S. therefore concluded, that as the expressions in the sections referred to were, that they were to take effect the 20th of May next; and the law reviving them passed the 1st of May, 1810; that they cannot have any efficacy until the 20th of May, 1811. And he said the gentleman from Virginia, (Mr. EPPES,) in attending to this point, had implied his doubts upon it by saying, that as there might be doubts among lawyers, though among unlearned men there could be none, the Committee of Foreign Relations, in reporting the bill now under consideration, were disposed to give a liberal construction to the meaning of the Legislature. But, said Mr. S., this cannot help the matter. No new law, in the nature of an explanatory law, can give efficacy to the former one, if that law would otherwise have no force. If, then, he was correct in his ideas upon the subject, and he thought every lawyer in the House must be of his opinion, Mr. S. asked, what is the consequence? He said that, from the 2d of February, any seizures which have been or shall be made by your custom-house officers, cannot be considered as legal. Your Federal courts cannot condemn property so seized; and in case they are made, your State courts will sustain actions of trover and trespass in favor of the owners thereof against such officers.

Mr. WRIGHT.—Mr. Chairman: The gentleman from New York (Mr. EMOTT) labored yesterday for three hours on his proposed amendment to the bill under consideration, and exercised all his ingenuity to seduce us into a violation of the faith of the nation, pledged in the act entitled "An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes." By this act the nation pledged itself to Great Britain and to France, "that if either of them should so revoke or *modify* their edicts that they should cease to violate the neutral commerce of the United States, that the President *should*, by proclamation, declare the same; and that, three months after the date of said proclamation, no goods, wares, or merchandise, the growth, produce, or manufacture of the other nation, her colonies or dependencies, *should* be imported into the United States." The Government, strictly preserving her neutral



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character, at the same moment presented to both nations the same proposition, and by the solemnity of that act, in the face of the world, pledged the faith of the nation to the faithful performance of the condition above stated, on their part to be performed, in the event of either Great Britain or France so revoking or modifying their edicts that they should cease to violate the neutral commerce of the United States.

France, on the 5th of August, 1810, did so revoke her edicts that they should cease to violate the neutral commerce of the United States, after the second day of November; and, although the fact has been established by the letter of the Duke of Cadore, of the 5th of August, to General Armstrong, our Minister at Paris, and by him communicated to the President of the United States; and, although the President did, by his proclamation, bearing date the second of November, in obedience to the said act of Congress, declare "that the edicts of France violating the neutral commerce of the United States had been so revoked or modified, that, from and after the second day of November, they would cease to violate the neutral commerce of the United States;" whereby, after the expiration of three months from the date of said proclamation, by virtue of the act aforesaid, "no goods, wares, or merchandise, the growth, produce, or manufacture of Great Britain, her colonies or dependencies, should be imported into the United States, unless she, before the expiration of that time, revoked her edicts." Yet, sir, this gentleman, to the bill on the table contemplating a faithful execution of the non-intercourse law against Great Britain, has proposed an amendment that "no vessel or merchandise shall be liable to seizure or forfeiture, on account of any infraction, or presumed infraction, of the provisions of the act to which this act is a supplement;" thereby substantially to repeal the non-intercourse act, although France has revoked her decrees, and Britain has refused to revoke her Orders in Council, and by the last information from our Minister in London, every spark of hope of their being revoked had been extinguished.

That gentleman, a representative of the American people, has proposed this direct breach of public faith, and as a pretext to the unprincipled act, has had the temerity to declare "that the President had no authority to issue his proclamation; that the assurances of France to our Government were deceptive; that the Berlin and Milan decrees were not revoked; and that the non-intercourse act is not in force;" and thus has arraigned the President for issuing his proclamation.

By the constitution, the Departments of the Government are distinctly marked, and the President authorized, as the legitimate organ, to discharge every function of the Executive. Besides, the non-intercourse act has expressly authorized and directed him, by proclamation, to declare the fact of the revocation or modifi-

cation of the edicts which the belligerents were by that act invited to revoke.

As well might that gentleman question the legitimacy of a treaty after it had been ratified and declared by proclamation, or an act of Congress after it had passed the usual forms and been duly published. Sir, this act of the President, as to every fact stated, implies absolute verity, and, like any other record, can be tried only by itself.

Had the gentleman contented himself with the discharge of his legislative duties, and indulged the President in the exercise of his Executive functions, we should have been relieved from a long speech, calculated only to inculcate the President and expose the gentleman's devotion to Great Britain. How, I ask, could the President act a different part, from the evidence in the case? The Duke of Cadore, the French Minister of Foreign Relations at Paris, in writing, informed General Armstrong, the American Minister at that Court, on the fifth of August, "that he was authorized to declare to him, that the decrees of Berlin and Milan are revoked, and that after the first of November, they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish, or, that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English." General Armstrong immediately communicated it to the President, who, being thus in possession of the information, was not only authorized, but bound to issue this proclamation.

I would ask, if this diplomatic evidence, the established mode of communication between nations, is not to be received and respected, if national confidence is not destroyed, and an end put to all diplomatic intercourse? Was not the President, in good faith, bound to believe the fact, and, believing it, bound to act as he did?

Sir, if Great Britain had made the like communication through Lord Wellesley to Mr. Pinkney, and he to the President, who had, thereupon, issued his proclamation, what would have been the conduct and language of this gentleman and those who think with him in political opinion? They would, I have no doubt, been prepared to eulogize the President, and publicly approve the act. In this assertion I am not left to conjecture, but will prove it by the most unequivocal evidence, if the gentlemen are consistent with themselves. You will recollect that, by the act of the first of March, eighteen hundred and nine, interdicting the commercial intercourse between the United States and Great Britain and France, and their colonies and dependencies, after a certain period, unless they should so revoke or modify their edicts that they should cease to violate the neutral commerce of the United States, the President in the case of either power, so re-

voking or modifying their edicts, was authorized by proclamation to declare the same, whereby the interdictions were, as to the power so revoking, to be suspended, and in force only against the other; and I hope you never will forget the deep game that was played by Great Britain on that occasion, and the diplomatic trick that was practised on our Administration by Mr. Erskine's memorable treaty. The President *then* placed full faith in the act of the British Plenipotentiary, and, on the signing of that treaty which revoked the Orders in Council, immediately issued his proclamation, and thereby dissolved the commercial injunction, whereby Great Britain was supplied with the necessities of her existence. Then the President acted promptly, as in the case of France; then he acted on the information of the British Minister as he did in the case of France on the information of the French Minister. Then the treaty revoking the Orders in Council was rejected by the British Government; but now, in the case of France, the revocation of her decrees is confirmed and carried into full effect. But the proclamation in the case of France is denounced by the gentleman from New York as neither formal, substantial, nor by authority, although by comparing it with the proclamation in the case of Great Britain, which I hold in my hand, it will be found formally and substantially a copy of it, varied only as to the Government to whose proceedings it relates. When I assure you that the President's proclamation in the case of Great Britain met with the approbation of the gentleman from New York and his political friends, you will feel surprised at their partiality; but, when you examine the resolution of the House of Representatives approbating the conduct of the President in that case, you will feel no doubt of the fact.

Sir, this gentleman has told us that the non-intercourse act is not in force, and that the American people will not submit to its execution, notwithstanding the revocation of the French decrees, the continuation of the British Orders in Council, and the President's proclamation. Whence does this gentleman derive the power of declaring an act of Congress not in force, declared by the President's proclamation to be in force? Or in what section of the Union does the gentleman presume to say the American people will not submit to the law? That that gentleman's speech was intended to sow sedition among the people, and to encourage insubordination to this law, is too obvious.

Sir, the decrees of France, now they are revoked, seem to be more obnoxious to that gentleman than the British Orders in Council, now in full force. He denounces the Emperor for the Rambouillet decree, issued the twenty-third of March, eighteen hundred and ten; which subjected the ships of America to condemnation entering the ports of France, which the Emperor declares was an act of retaliation; because Congress had by their act of March, eighteen hundred and nine, subjected the ves-

sels of France to condemnation entering the ports of the United States, yet that gentleman, when speaking of the British blockading order of eighteen hundred and six, issued without even a pretext, which by proclamation without investment subjected our ships to condemnation entering the ports of France, says, "with respect to their Orders in Council I have nothing to say as to their justice or their policy." He is prepared to condemn France for her act of retaliation, but he is not prepared even to speak of Great Britain's new paper blockading system, much less to declare it unjust or impolitic; although Sir William Scott, in 1 Robinson's Rep. page 96, expressly declares, "that no vessel was liable to condemnation for entering a port alleged to be blockaded, unless it was invested by such a naval force as to make the entry therein hazardous."

Sir, I am no apologist for France—nor do I know how any American, particularly a member of Congress, can be the apologist for either, after France and England have both expressly admitted, that their Orders in Council and decrees were direct violations of the law of nations, and adopted from necessity, as a measure of retaliation against each other, and have each charged the other with the first aggressions on our neutral rights. On examining that subject, I find that England, by her Orders in Council of May, eighteen hundred and six, by proclamation had placed France in a state of blockade; that France in eighteen hundred and seven had placed the British isles in a like manner in a state of blockade; that England, by her Orders in Council of the eleventh of November, eighteen hundred and seven, laid a toll on neutral vessels, and made them pass through her ports; France, by her decree of the seventeenth of December, eighteen hundred and seven, declared the vessels submitting to that order denationalized, and lawful prize; so that by their new principle of blockade, and their unprincipled retaliations, the commerce of the United States was cut up by the roots. The American Government, anxious to preserve the remnant of the property of the American merchants, that had escaped the rapacity of the tyrant of the ocean, on the twenty-second of December, eighteen hundred and seven, passes the embargo law, which the seditious clamors of certain arch traitors in the Eastern States, the violation of the law by treason and cupidity, induced Congress on the first of March, eighteen hundred and nine, to repeal, and to pass the present non-intercourse law, continued, under which France has revoked her decrees of Berlin and Milan, and now expects us to fulfil the conditions which we voluntarily imposed on ourselves, in the event of either revoking their decrees.

Sir, while Great Britain finds such able advocates on this floor, she will find no necessity to redress our wrongs, but will wait the issue of our proceedings in Congress, to see if our remedial laws are not repealed, or our citizens excited to oppose their execution. But we ought

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not to be surprised at this, when we take a retrospective view of their conduct, their united and uniform opposition to the Administration for many years. They have reprobated every measure—Mr. Erskine's British treaty only excepted—and, as soon as that was rejected by the British Government, as being made contrary to instructions, our Administration was charged with making it, knowing that Mr. Erskine had no authority, and with seducing him to make it contrary to instructions. Afterwards, when Mr. F. J. Jackson, of Copenhagen memory, was sent over as a Minister, while his hands were yet stained with the innocent blood of the inhabitants of Copenhagen, and insulted the administration with the charge of making the treaty with Mr. Erskine, knowing that he had no authority to make it, and after the peremptory asseveration "that Government had no such knowledge, that with such knowledge no such arrangement would have been made," and "that no such insinuation could be admitted," he replied, "that he made no insinuation, without being able to substantiate a fact, and in that I must continue;" thereby persevering in the charge of falsehood in the Administration for which he was dismissed. Again our Government was expressly charged with knowing that Mr. Erskine had no authority, and with dismissing Mr. Jackson without any just cause; that his charge was true, and that in this the Government acted under the influence of France. In order to make such an impression on the public mind, Mr. Jackson is treated with uncommon attention. When he arrives at Baltimore he is surrounded by tories, royalists, Burr-ites, and British agents, and treated with great politeness—when he arrives in Philadelphia, he is overwhelmed by the civilities of refugees, tories, Burr-ites, and United States' Bank directors—when he arrives at New York, he is received with open arms by a set of beings of the same description, who invite him to a public dinner, and to test their attachment to the British Government treat him to "God save the King"—when he reaches Boston, there is great parade indeed; he is welcomed to the city by tories, traitors, disorganizers, and embargo-breakers, and Faneuil Hall, once the Council Chamber of the patriots of the Revolution, is prostituted to the disgraceful purpose of a public dinner to this disgraced Minister, and there we see a distinguished Senator of the United States testing his loyalty by the toast of "Britain's fast anchored isle, the world's last hope." After this hasty review of the past, we ought not to be surprised at any measures that may be taken against the Administration, when Great Britain is in the question.

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Mr. MILNOR said: Mr. Chairman, when I take a view of the course which has been pursued in relation to this subject, during the present ses-

sion, I confess I feel greatly surprised that we should be called upon to adopt the present measure. It will be recollected, sir, that, at a very early period, the honorable chairman of the Committee on Foreign Relations, reported a bill supplemental to the act of the 1st of May last. Although the gentleman did make one or two feeble attempts to call it up for consideration, yet it was manifest that there was a general indisposition to act upon it at that time. This, in the opinion of myself and many others, arose from a doubt in the good faith of the Emperor of the French. It was true that he had, through the Duke of Cadore, declared that the Berlin and Milan decrees were revoked on the 5th of August, and that they should cease to have effect after the first of November; and it was also true that the President of the United States had, by his proclamation of the 2d of November, declared, not simply that this promise had been given, but that the decrees were revoked, and had ceased to operate. Notwithstanding this declaration of the President, the previous conduct of the French Emperor inspired an almost universal doubt of his good faith, and the curious character of the declaration made by Cadore, was calculated to increase it. The decrees of Berlin and Milan were revoked; that is, dead on the 5th of August, and ceased to have effect; that is, to live on the first of November; thus this creature had the wonderful faculty of being dead and alive at the same time; of ceasing to have effect, and acting with full vigor at the same instant. While all was doubt and hesitation, despatches were received from Mr. Russell, our Chargé d'Affaires at Paris, which made it apparent that the decrees which were to cease to have effect on the first of November, were, in the month of December, still in existence, and in full and practical operation. It is now evident that the President was duped by the French Emperor, and led to issue a proclamation on the faith of his promise, declaring a fact which did not exist. So convinced were the House that this was the true state of the case, that the honorable chairman of the Committee on Foreign Relations himself moved to recommit the bill he had previously introduced, and it was done. What, then, I would ask, sir, has since occurred to alter the face of affairs, to induce this new attempt to fasten on the restrictive system against our intercourse with Great Britain? Is there any thing in the last communication from the President, calculated to produce such an effect? On the contrary, it furnishes the most conclusive evidence of the treachery of Bonaparte, and ought to serve as a beacon to warn us against trusting him further. It is true that there is a letter from Mr. Pinkney to Lord Wellesley, dated December 10th, in which the former labors to prove, that Cadore's note to Armstrong is an absolute repeal of the French decrees, without any conditions precedent, and that therefore the British Government ought to be satisfied of its validity, and take immediate measures for revoking their or-

ders and blockades, agreeably to their promise. But, it unfortunately happened that, on the same day on which our Minister at London was performing his duty, in transmitting his able but theoretical argument to the British Ministry, our Minister at Paris was also performing his duty in remonstrating against the practical operation of those very decrees, which were to have ceased to have effect on the first of November. [Here Mr. M. read the letter of Mr. Russell to the Duke of Cadore, dated December 10th, remonstrating against the seizure of the brig *New Orleans Packet*, it being the only case, as declared by Mr. Russell, to which the decrees could be applied subsequent to the first of November.]

I recollect, sir, when Mr. Russell's correspondence was communicated to this House, an apology was set up for the French Emperor. It was alleged that the President's proclamation had not arrived in France at the time of the seizure of the *New Orleans Packet*, and that Bonaparte, having received no evidence of the intention of the American Government to fulfil their engagement, had used the precautionary measure of seizing the vessel, until he should receive some evidence of our good faith; and we were exultingly told that the President's proclamation would put all to rights, by satisfying his doubting Majesty of our sincerity, and would induce him to release all property seized subsequent to the first of November, and once more to put an end to those nine-lived decrees. How has this prediction been verified? The President's proclamation was communicated to the French Government on the 12th of December, two days after Mr. Russell's remonstrance; and yet, for any thing we know, that remonstrance remains unanswered, and the *New Orleans Packet* remains under seizure to this very day. It is true that, after waiting thirteen days, His Majesty condescended to direct the partial suspension of the decrees, thereby giving the most positive proof not only of their existence, but of their active operation. On the 25th of December, the Dukes of Massa and of Gaeta, by the direction of their master, severally wrote a letter to the officers connected with their respective departments, directing them to suspend the operation of those very decrees, so far as respected the condemnation of vessels and cargoes seized after the first of November; not only those then in custody, but such as should thereafter be seized. I will read a part of those letters for the purpose of refreshing the memories of gentlemen on the subject. The Duke of Massa writes to the President of the Council of Prizes as follows: "In consequence of this engagement entered into by the Government of the United States, to cause their rights to be respected, His Majesty orders that all the causes that may be pending in the Council of Prizes, of captures of American vessels, made after the first of November, and those that may in future be brought before it, shall not be judged according to the principles of the decrees of Berlin

and Milan, but that they shall remain suspended; the vessels captured or seized to remain only in a state of sequestration, and the rights of the proprietors being reserved for them until the 2d February next, the period at which the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the Council—and the American vessels restored, together with their cargoes, to the proprietors." The letter of the Duke of Gaeta is of a similar import. I will read a single paragraph, which is as follows: "His Majesty having seen in these two pieces" (the President's proclamation and Gallatin's circular to the collectors) "the enunciation of the measures which the Americans purpose taking on the second of February next, to cause their rights to be respected, has ordered me to inform you that the Berlin and Milan decrees must not be applied to any American vessels that have entered our ports since the first of November, or may enter in future; and that those which have been sequestered, as being in contravention of these decrees, must be the object of a special report."

Here, sir, we find these two officers, by direction of their master, explicitly recognizing the existence of the Berlin and Milan decrees, and suspending their operation not as to sequestration, but only as to condemnation. Not only those which had arrived after the first of November, but those which should thereafter arrive, were to be held in a state of sequestration, and to be subject to a special report. With this plain statement before their eyes, will gentlemen assert, can they possibly believe, that the decrees were revoked and ceased to have effect on the first of November? They surely cannot. If, then, the declaration of the fifth of August is proved to be false, and the assurance that the decrees should cease to have effect after the first of November was mere delusion, what becomes of the act of the first of May, and of the President's proclamation? Sir, they are mere dead letters, having no binding force or operation. The practical operation of the act of the first of May was to depend upon the performance of certain conditions on the part of one or the other of the belligerents, and the President's proclamation was intended as a mere notification of such performance. Admitting, then, that a faithful performance of the pledge of the fifth of August, on the part of France, would have had a binding force on us to carry our part of the agreement into effect, can any man under the existing circumstances believe we are so bound? Can a violation of a solemn pledge confer an obligation which was only intended to be created on the complete fulfilment of that pledge? Surely not. Sir, the law of the first of May, professed, on the face of it, to be impartial towards the two nations who have violated our rights. It promised that, if either would so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, in that case

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certain restrictive measures should be revived against the other. Have either complied? France did, indeed, make a declaration that her edicts were revoked, and should cease to have effect on a certain day. That day has long since passed, and, for any thing we know, those edicts are in full operation. Nay, we have positive proof of their active existence, nearly two months after they were to have ceased; for, on the 25th of December, their operation as to the condemnation of American property was suspended, while their power to sequester was absolutely recognized and continued. With such glaring, such positive proof before our eyes, of the perfidy of France, we are about to act as though we believed she had performed her promise with the utmost good faith. Nay, more, sir; if she had, indeed, complied with her engagement, she could require nothing more of us than the act of the 1st of May last; that was the full amount of our engagement, the utmost limit of our bond. Upon, and in consequence of that, was the Emperor's promise founded. Yet we are not satisfied with that; persisting, in the face of the most positive and conclusive testimony to the contrary, to affect to believe that he has performed his promise, we are going beyond our contract; and, lest some doubts should arise of the Emperor's want of faith, lest our courts should decide, as they must decide, that the decrees being still in force, the act of the first of May is a mere dead letter, we are about to volunteer our services, and, by the section of the bill now under consideration, to revive those sections of the old non-intercourse law which were intended in a certain event to have been revived by the act of the first of May; to revive them against Great Britain, and that without exacting any conditions on the part of France. And must this sacrifice be made in order to bolster up the President's proclamation so prematurely issued? Must the best interests of the nation be put to hazard to save him the mortification of acknowledging his error and retracing his steps? Here, I fear, lies the true motive for our present procedure.

This restrictive system is now to be revived against England, the French decrees being in full force and operation against us at the same time. Is this an honest neutrality? Is it equal and exact justice to those two nations? Is it not rewarding the perfidy of the one at the expense of the other, and at the expense of ourselves? Let us be cautious how we proceed in this course. If France choose, in consequence of our non-intercourse law of 1809, which was equal in its operation as to both nations, to take it so much in dudgeon as to confiscate the whole of the American property within her power, even that which had sought the rights of hospitality in her ports, how much more may Great Britain feel herself justified in retaliating on this most partial and unjust measure which we are about to adopt against her, by confiscating the millions of our property now within her power. And if we have been silent under the

former, and have apparently acquiesced in it, what shall we, what can we, say, in case the latter event should take place? But, sir, the apologists of France tell us that His Majesty, the Emperor, has pledged his royal word that the decrees shall cease to operate as it respects us; and that, though he has thought proper to postpone the measure from the first of November to the second of February, he has only done so in order to ascertain whether we mean to go on to fulfil our engagements with good faith; that he is only holding our property seized since the first of November as security for our performance; and that, when he finds we are determined to resist the illegal orders and blockades of Great Britain, he will give up the property of our citizens. How insulting, this, to American feelings, to be told that a total violation of faith on the part of this man is excusable, because he chooses to suspect our faith. But, sir, do these people really believe the property of our citizens will be given up after the second of February, and in consequence of the measure we are now about to adopt? When did that voracious monster ever disgorge the plunder he had once received into his insatiable maw? Of the millions upon millions of which he has, at different times, and under various pretexts, plundered our unsuspecting citizens, where is the instance of a single dollar returning to its rightful owner? No, sir, let it once get within his iron grasp, and it is lost forever. The present measure is evidently intended as a propitiatory sacrifice to conciliate Napoleon—to induce him to become our friend, and to cease to rob and plunder our defenceless citizens. Is it calculated to produce this effect? Short-sighted as we confessedly are, sir, I should suppose we can scarcely be such silly politicians as to expect such an effect from such a measure. A brief view of the course which has been pursued, and is pursuing, by the Emperor of France, must produce a conviction in every unprejudiced mind, that he is not to be diverted from his purpose by a toy like this. Sir, it must be evident to every mind that his ambition soars to universal conquest. To this point all his measures tend—every other consideration is made to yield. For the accomplishment of this object, almost every nation on the Continent of Europe has been insulted, plundered, and subdued. To this end the external commerce of the continent has been annihilated, the agricultural and manufacturing interests have been depressed, and millions of his own subjects, and those of nations under his influence, impoverished and ruined. But there is one impediment to his gigantic project. Britain, proud, haughty Britain, stands in the way, and puts a stop to his career. Isolated, as she happily is, and the proud mistress of the ocean, she presents an impenetrable barrier to his ambitious views. But Britain must be humbled, she must be subdued. Her power on the ocean must be destroyed; and, to effect this, she must be attacked through her commerce and manufactures.

For this purpose, what he is pleased to call his great continental system has been devised and rigorously enforced. Finding that all his restrictions and confiscations, aided by all his civil and military power, could not prevent the introduction of British merchandise upon the continent, he has resorted to a plan which promises to be more effectual. Regardless of the rights and interests of his subjects, he does not inquire whose the property may be; if it is of British origin it is committed to the flames. Such is his plan; such are the efforts and sacrifices he is making to insure its accomplishment. And yet, Mr. Chairman, it would seem as if we had the consummate folly to believe that we can appease this merciless tyrant by so weak, so silly, so futile a measure as this one now under consideration. We seem to have the madness to believe that this man, after the immense sacrifices he has made for the attainment of his object, would yield that object in our favor, and in order to be upon friendly terms with us would forego all other considerations. And from what premises is such a conclusion drawn? Is it from his past treatment of us? Let us, Mr. Chairman, take a brief review of his past conduct towards us, in order to see what we may expect in future. It is some years since he ordered our ships and cargoes to be burned upon the ocean, and many were burnt. He has, at various terms, and under different pretexts, seized and confiscated the property of our citizens on the ocean, and in his ports, and in the ports of his vassals. No longer ago than last spring, he told us that we were without just political views, without honor, without energy; and that, after refusing to fight for honor, we might find it necessary to fight for interest. This insulting declaration, which was dated on the 14th of February, was followed on the 28d of March by the Rambouillet decree, which confiscated all American vessels and cargoes which had arrived from the 20th of May, 1809, or should thereafter arrive in any port of France, her allies, or those occupied by her arms. Thus was from twenty to thirty millions of the property of our unsuspecting and confiding citizens, who had sought the rights of hospitality in his ports, sacrificed without a pretext, or with a pretext which added to the injury. Finding, after this gross violation of every principle which ought to govern honest and honorable nations, that our merchants, taught by sad experience that there was no safety within the range of his power, would venture there no more, he found it necessary to throw out another lure to entice the unwary within his reach. His tone is now suddenly changed. Instead of the haughty and insulting tyrant, he assumes the shape of a fond and doating lover. "His Majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy. He is pleased in aggrandizing the United States." Yes, truly, His Majesty loves the Americans! If not for our persons, yet for our property, he has given the most ample and con-

vincing proofs of his love. These sugared words, displaying so much of the milk of human kindness, seem to have perfectly reconciled us to his loving Majesty, and to have quite obliterated the remembrance of his harsh and unkind language so lately used towards us. And not only so, but it seems to have fully compensated us for all his robberies; and we forbear to touch that string, lest he might be somewhat ruffled, and once more induced to vent his anger on us. But lest his bare professions of love should not have the desired effect of inducing the Americans once more to place their property within his power, he directed his Minister to declare that the Berlin and Milan decrees were revoked, and should cease to have effect after the first of November. Our Administration, confiding in his assurances, in the face of all his previous conduct, published the proclamation of the second of November, and thereby assisted in deceiving our too credulous citizens. But few, however, ventured to place trust in him; and those who did, have met with a fate which every man of reflection ought to have anticipated. If, sir, such has been the course of that man's conduct towards us, (and that it has, I appeal to all the documents which have been laid before us,) I would ask why are we called upon to pass the section now under consideration? To me, it is matter of mystery and astonishment.

MONDAY, February 25.

*Commercial Intercourse.*

The House resumed the consideration of the unfinished business of Saturday last, to wit, the bill supplementary to the act entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and the amendments reported thereto by the Committee of the whole House. The said amendments were read at the clerk's table.

MR. QUINCY.—Mr. Speaker: The amendments contained in the sections under consideration, contemplate the continuance and enforcement of the non-intercourse law. This proposition presents a great, an elevated and essential topic of discussion, due to the occasion, and claimed by this people, which comprehends within the sphere and analogies of just argument, the chief of those questions, the decision of which, at this day, involves the peace, the happiness, and honor of this nation. Whatever has a tendency to show, that if the system of non-intercourse exist, it ought not to be continued; or, that if it do not exist, it ought not to be revived; whatever has a tendency to prove, that we are under no obligation to persist in it, nor under any obligation to abandon it, is now within the fair range of debate.

After long delay, and much coy demeanor, the Administration of this country have condescended to develop their policy. Though they have not spoken to our mortal ears, with their

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feebly tongues, yet they have whispered their purposes through the constituted organs of this House. And these are the features of the policy which they recommend: it is proposed to grant particular and individual relief from anticipated oppressions of the commercial restrictive system. It is proposed to perpetuate that system, indefinitely, and leave our citizens, still longer, subject to its embarrassments, its uncertainty and its terrors. The chairman of our Committee of Foreign Relations, (Mr. EPPER,) at the time he introduced these amendments to the House, exhibited the true character of this policy, when he told us that it was "modelled upon the principle not to turn over to the Judiciary the decision of the existence of the non-intercourse law, but to make it the subject of legislative declaration." In other words, it is found that the majority of this House have too much policy to deny, and too much principle to assert, that the fact, on which, and on which alone, the President of the United States was authorized to issue his proclamation of the second of November last, has occurred. A scheme has, therefore, been devised, by which, without any embarrassment on this intricate point, the continuance and enforcement of non-intercourse may be insured, and toils, acceptable to France, woven by the hands of our own Administration, spread over almost the only remaining avenue of our commercial hope.

The proposition, contained in these amendments, has relation to the most momentous and most elevated of our legislative obligations. We are not, now, about to discuss the policy by which a princely pirate may be persuaded to relinquish his plunder; nor yet the expectation entertained of relaxation, in her belligerent system, of a haughty, and perhaps jealous rival; nor yet the faith which we owe to a treacherous tyrant; nor yet the fond, but frail hopes of favors from a British regency, melting into our arms, in the honeymoon of power. The obligations which claim our observance are of a nature much more tender and imperious; the obligations which, as Representatives, we owe to our constituents; the allegiance by which we are bound to the American people; the obedience which is due to that solemn faith, by which we are pledged to protect their peace, their prosperity, and their honor. All these high considerations are materially connected with this policy.

It is not my intention, Mr. Speaker, to dilate on the general nature and effects of this commercial restrictive system. It is no longer a matter of speculation. We have no need to resort for illustration of its nature to the twilight lustre of history, nor yet to the vibrating brightness of human intellect. We have experience of its effects. They are above, around, and beneath us. They paralyze the enterprise of your cities. They sicken the industry of your fields. They deprive the laborer and the mechanic of his employment. They subtract from the husbandman and planter the just reward for that product which he has moistened

with the sweat of his brow. They crush individuals, in the ruins of their most flattering hopes, and shake the deep-rooted fabric of general prosperity.

It will, however, be necessary to say a word on the general nature of this system. Not so much for the purpose of elucidating, as to clear the way, and give distinctness to the course of my argument. It will also be useful to deprive the advocates of this system of those colors and popular lures, to which they resort, on a subject in no way connected with the objects with which they associate it.

My argument proceeds upon the assumption of the irrelevancy of four topics, usually adduced in support of the system contained in the law of May, 1810, and of March, 1809; commonly called the non-intercourse system. I take for granted that it is not advantageous; in other words, that it is injurious; that it is not fiscal in its nature; nor protective of manufactures; nor competent to coerce either belligerent. That it is injurious is certain, not only because it is deprecated by that part of the community which it directly affects, but because no man advocates it as a permanent system, and every one declares his desire to be rid of it. Fiscal it cannot be, because it prohibits commerce, and consequently revenue; and by the high price and great demand for foreign articles, which it produces, encourages smuggling. Protective of manufactures it cannot be, because it is indiscriminate in its provisions and uncertain in its duration; and this uncertainty depends, not on our legislative discretion, but on the caprice of foreign powers; our enemies, or rivals. No commercial system, which is indiscriminate in its restrictions, can be generally protective to manufactures. It may give a forced vivacity to a few particular manufactures. But in all countries, some, and in this almost all manufactures, depend, either for instruments or subjects, on foreign supply. But, if this were not the case, a system, whose continuance depended upon the will or the ever variant policy of foreign nations, can never offer such an inducement to the capitalist, as will encourage him to make extensive investments, in establishments resting on such precarious foundations. As to the incompetency of this system to coerce either belligerent, I take that for granted, because no man, as far as I recollect, ever pretended it; at least no man ever did show, by any analysis, or detailed examination of its relative effects on us, and either belligerent, that it would necessarily coerce either out of that policy which it was proposed to counteract. Embargo had its friends. There were those who had a confidence in its success. But who was ever the friend of non-intercourse? Who ever pretended to believe in its efficacy? The embargo had a known origin, and the features of its character were distinct. But "where, and what was this execrable shape—if shape it may be called, which shape has none?" We all know that the non-intercourse

was not the product of any prospective intelligence. It was the result of the casual concurrence of chaotic opinions. It was agreed upon, because the majority could agree upon nothing else. They who introduced it, abjured it. They who advocated it, did not wish, and scarcely knew its use. And now that it is said to be extended over us, no man, in this nation, who values his reputation, will take his Bible oath that it is in effectual and legal operation. There is an old riddle on a coffin, which I presume we all learned when we were boys, that is as perfect a representation of the origin, progress, and present state of this thing, called non-intercourse, as is possible to be conceived.

"There was a man bespoke a thing,  
Which when the maker home did bring,  
That same maker did refuse it;  
The man that spoke for it did not use it,  
And he who had it did not know  
Whether he had it;—yea, or no."

True it is, that if this non-intercourse shall ever be, in reality, extended over us, the similitude will fail, in a material point. The poor tenant of the coffin is ignorant of his state. But the poor people of the United States will be, literally, buried alive in non-intercourse; and realize the grave closing on themselves and their hopes with a full and cruel consciousness of all the horrors of their condition.

For these reasons, I put all such commonplace topics out of the field of debate. This, then, is the state of my argument; that as this non-intercourse system is not fiscal, nor protective of manufactures, nor competent to coerce, and is injurious, it ought to be abandoned, unless we are bound to persist in it, by imperious obligations. My object will be to show that no such obligations exist; that the present is a favorable opportunity, not to be suffered to escape, totally to relinquish it; that it is time to manage our own commercial concerns, according to our own interest; and no longer put them into the keeping of those who hate or those who envy their prosperity; that we are the constituted shepherds, and ought no more to transfer our custody to the wolves.

It is agreed, on all sides, that it is desirable to abandon this commercial restrictive system. But the advocates of the measure now proposed, say that we cannot abandon it, because our faith is plighted. Yes, sir, our faith is plighted; and that, too, to that scrupulous gentleman, Napoleon; a gentleman so distinguished for his own regard of faith; for his kindness and mercies towards us; for angelic whiteness of moral character; for overweening affection for the American people and their prosperity. Truly, sir, it is not to be questioned, but that our faith should be a perfect work towards this paragon of purity. On account of our faith, plighted to him, it is proposed to continue this non-intercourse.

But, Mr. Speaker, we may be allowed, I presume, to inquire whether any such faith be plighted. I trust we are yet freemen. We are

not yet so far sunk in servility, that we are forbidden to examine into the grounds of our national obligations. Under a belief that this is permitted, I shall enter upon the task, and inquire whence they arise and what is their nature.

Whence they arise is agreed. Our obligations result, if any exist, under the act of May the first, 1810, called "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes." It remains, therefore, to inquire into the character of this act, and the obligations arising under its provisions.

Before, however, I proceed, I would premise, that whether I shall obtain, I am doubtful, but I am sure that the nature of my argument deserves, the favor and prepossession for its success, of every member in the House. My object is to show, that the obligation which we owe to the people of the United States, is a free and unrestricted commerce. The object of those who advocate these measures is to show that the obligation we owe to Napoleon Bonaparte, is a commerce restricted and enslaved. Now, as much as our allegiance is due more to the people of the United States than it is to Napoleon Bonaparte, just so much ought my argument to be received by the American Congress, with more favor and prepossession than the argument of those who advocate these measures. It is my intention to make my course of reasoning as precise and distinct as possible. Because I invite scrutiny. I contend for my country according to my conscientious conceptions of its best interests. If there be fallacy, detect it. My invitation is given to generous disputants. As to your stump orators, who utter low invective and mistake it for wit, and gross personality, and pass it off for argument, I descend not to their level; nor recognize their power to injure; nor even to offend.

Whatever obligations are incumbent upon this nation, in consequence of the act of the first of May, 1810, they result from the following section: "*And be it further enacted*, That in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not, within three months thereafter, so revoke or modify her edicts, in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,' shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies, and dependencies of the nation thus refusing or neglect-



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ing to revoke or modify her edicts in manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation revoking or modifying her decrees, in the manner aforesaid."

Divested of technical expression, this is the abstract form of this section. It provides that a new commercial condition shall result, on the occurrence of a specified fact; which fact the President shall declare. On this state of the subject I observe that nothing in the act indicates whether the object of the United States, in providing for this eventual commercial condition, was its own benefit, convenience, or pleasure; or whether it was in the nature of a proffer to foreign nations. It will, however, be agreed on all sides, that the object was either the one or the other. If the object were our own benefit, convenience, or pleasure, it will not be pretended that we are under any obligation to continue the system. For that which was adopted, solely for either of these ends, may, whenever our views concerning them vary, be abandoned; it being the concern of no other. But it is said that the act was, in truth, a proffer to the two belligerents, of commerce to the obsequious nation, prohibition of commerce to the contumacious nation. If this were the case, I shall agree, for the sake of argument, that it ought to be fulfilled to the full extent of the terms. But inasmuch as there is, in the terms of the act, no indication of such a proffer, it follows that its nature must arise from the circumstances of the case; and that the whole of the obligation, whatever it is, grows out of an honorable understanding, and nothing else. As such, I admit, it should be honorably fulfilled. The nature of this proffer is that of a proposition upon terms. Now what I say is, and it is the foundation of my argument, that whoever claims an honorable compliance with such a proposition, must be able to show, on his part, an honorable acceptance and fulfilment of the terms. The terms our act proposed were—an act to be done; an effect to be produced. The act to be done was, the revocation or modification of the edicts. The effect to be produced was that this revocation or modification should be such as that these edicts should "cease to violate our neutral commerce." Now the questions which result are, has the act been done? If done, has it been so done as to amount to an honorable fulfilment or acceptance of our terms? The examination of these two points will explain the real situation of these United States, and the actual state of their obligations.

In considering the question whether the fact of revocation, or modification, has occurred, it is unfortunate that it does involve, at least in popular estimation, the propriety of the proclamation, issued on the second of November last, by the President of the United States. I regret, as much as any one, that such is the state of things, that the question, whether a

foreign despot has done a particular act, seems necessarily to be connected with the question concerning the prudence and perspicacity with which our own Chief Magistrate has done another act. I say in popular estimation these subjects seem so connected. I do not think that, in the estimation of wise and reflecting men, they are necessarily thus connected. For the fact might not have occurred precisely in the form contemplated by the act of May, 1810, and yet the President of the United States, in issuing his proclamation, might be either justifiable or excusable. It might be justifiable. A power intrusted to a politician to be used on the occurrence of a particular event, for the purpose of obtaining a particular end, he may sometimes be justifiable in using, in a case which may not be precisely that originally contemplated. It may be effectually, though not formally, the same. It may be equally efficient in attaining the end. In such a case a politician never will, and perhaps ought not to hesitate at taking the responsibility, which arises from doing the act in a case not coming within the verbal scope of his authority. Thus, in the present instance. The President of the United States might have deemed the terms, in the letter of the Duke of Cadore, such as gave a reasonable expectation of acceptance on the part of Great Britain. He has taken the responsibility. He has been deceived. Neither Great Britain accepts the terms, nor France performs her engagements. The proclamation might thus have been wise, though unfortunate in its result. And as to excuse, will it be said that there is nothing of the sort in this case? Why, sir, our Administration saw the Great Napoleon, according to his own confession, over head and ears in love with the American people. At such a sight as this, was it to be expected of flesh and blood that they should hesitate to plunge into a sea of bliss, and indulge in joy with such an amorous Cyprian?

But, whether the fact has occurred, on which alone this proclamation could have legally issued, is a material inquiry and cannot be evaded, let it reach where or whom it will. For with this is connected the essential condition of this country; on this depends the multiplied rights of our fellow-citizens, whose property has been or may be seized or confiscated under this law: and hence result our obligations, if any, as is pretended, exist. It is important here to observe, that, according to the terms of the act of May 1, 1810, the law of March 1, 1809, revives on the occurrence of the fact required, and not on the proclamation issued. If the fact had not occurred, the proclamation is a dead letter, and no subsequent performance of the required fact, by either belligerent, can retroact so as to give validity to the previous proclamation. The course required by the act of the 1st of May, 1810, unquestionably is, that the fact required to be done should be precedent, in point of time, to the right accruing to issue the proclamation; and of consequence

that, by no construction, can any subsequent performance of the fact required operate backward to support a proclamation issued previous to the occurrence of that fact? Whenever this fact is really done, a new proclamation is required to comply with the provisions of the act, and to give efficacy to them.

I am the more particular in referring to this necessary construction, resulting from the terms of the act of the first of May last, because it is very obvious that a different opinion did until very lately, and probably does now, prevail on this floor. We all recollect what a state of expression the conduct of Bonaparte in seizing our vessels, subsequent to the first of November, produced, as soon as it was known in this House, and what a sudden joy was lighted up in it, when the news of the arrival of a French Minister was communicated. Great hopes were entertained and expressed, that he would bring some formal revocation of his edicts, or disavowal of the seizures which might retroact and support the proclamation. It was confidently expected that some explanation, at least of these outrages, would be contained in his portmanteau; that under his powder-puff, or in his snuff box, some dast would be found to throw into the eyes of the American people, which might so far blind the sense, as to induce them to acquiesce in the enforcement of the non-intercourse, without any very scrupulous scrutiny into the performance of the conditions by Bonaparte. But, alas! sir, the Minister is as parsimonious as his master is voracious. He has not condescended to extend one particle, not one pinch of comfort to the Administration. From anything in the Messages of our President, it would not be so much as known that such a blessed vision, as was this new Envoy, had saluted his eyes. His communications preserve an ominous silence on the topic. Administration, after all their hopes, have been compelled to resort to the old specific, and have caused to be tipped upon our tables a cart-load of sand, grit, and sawdust, from our metaphysical mechanic, who seesaws at St. James', as they pull the wire here in Washington. Yes, sir, a letter written on the tenth day of December last, by our Minister in London, is seriously introduced to prove, by abstract reasoning, that the Berlin and Milan decrees had ceased to exist on the first of the preceding November, of whose existence, as late as the 25th of last December, we have, as far as the nature of things permit, ocular, auricular, and tangible demonstration. And the people of this country are invited to believe the logic of Mr. Pinkney in the face of the fact of a continued seizure of all the vessels which came within the grasp of the French custom-house, from the first of November, down to the date of our last accounts; and, in defiance of the declaration of our Chargé d'Affaires, made on the 10th of December, that "it will not be pretended that the decrees have in fact been revoked," and in utter discredit of the allegation of the Duke of Massa, made on the

25th of the same month, which, in effect, declares the Berlin and Milan decrees exist, by declaring "that they shall remain suspended." After such evidence as this, the question whether a revocation or modification of the edicts of France has so occurred "as that they cease to violate the neutral commerce of the United States," does no longer depend upon the subtleties of syllogistic skill, nor is to be disproved by any power of logical illation. It is an affair of sense and feeling. And our citizens, whose property has been, since the first of November, uniformly seized, and of which they are avowedly to be deprived three months, and which is then only to be returned to them on the condition of good behavior, may as soon be made to believe, by the teaching of philosophy, that their rights are not violated, as a wretch, writhing under the lash of the executioner, might be made by a course of reasoning to believe, that the natural state of his flesh was not violated, and that his shoulders, out of which blood was flowing at every stroke, were in the quiet enjoyment of cuticular ease.

Whether the revocation expressed in the letter of the Duke of Cadore, was absolute or conditional, or whether the conditions were precedent or subsequent, in the present state of our evidence, it seems scarcely important to inquire. Yet the construction of that celebrated passage, in his letter of the 5th of August, has been, as I have ever seen, given so much in the manner of lawyers, and so little in that of statesmen, that it deserves a short elucidation; how much the words "it being understood that," in their particular position are worth; and whether they have the effect of a condition precedent, or of a condition subsequent. A statesman will look at the terms contained in that letter in a different aspect, not for the purpose of ascertaining how much a court of law might be able to make of them, as to discern in what position of language the writer intended to intrench himself, and to penetrate his real policy, notwithstanding the veil in which he chose to envelope it. He will consider the letter in connection with the general course of French policy, and the particular circumstances which produced it. By these lights, it is scarcely possible to mistake the character and true construction of these expressions. Upon recurring to the Berlin and Milan decrees, it will be found that they contain a solemn pledge, that "they shall continue to be rigorously in force, as long as that (the English) Government does not return to the principle of the law of nations." Their determination to support this pledge, the French Government has uniformly and undeviatingly declared. They have told us constantly that they require a previous revocation on the part of Great Britain, as the condition of their rescinding those edicts. The question who should first revoke their edicts had come to be, notoriously, a sort of point of honor between the two belligerents. Perfectly acquainted with this state of things, we have been perpetually ne-

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negotiating between the one and the other, and contending with each that it was his duty previously to revoke. At length the French Government, either tired with our solicitations, or more probably, seeing their own advantage in our anxiety to get rid of these decrees, which yet, as an essential part of its continental system of total commercial exclusion it never intended to abandon, devised this scheme of policy, which has been the source of so much contest, and has puzzled all the metaphysicians in England and the United States. Cadore is directed to say to Mr. Armstrong: "In this new state of things I am authorized to declare to you, sir, that the decrees of Berlin and Milan are revoked, and that after the first of November they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish; or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English." In this curious gallimaufry of time present and time future, of doing and refraining to do, of declaration and understanding, of English duties and American duties, it is easy to trace the design, and see its adaptation to the past and present policy of the French Emperor. The time present was used, because the act of the United States required that previously to the proclamation the edicts "shall be" revoked. And this is the mighty mystery of time present being used, in expressing an act intended to be done in time future. For if, as the order of time, and the state of intention indicated, time future had been used, and the letter of Cadore had said the decrees shall be revoked on the first of November next, then the proclamation could not be issued, because the President would be obliged to wait to have evidence that the act had been effectually done. Now as the French Emperor never intended that it should be effectuated, and yet meant to have all the advantage of an effectual deed without performing it, this notable scheme was invented. And, by French finesse, and American acquiescence, a thing is considered as effectually done, if the declaration that it is done be made in language of time present, notwithstanding the time of performance is in the same breath declared to be in time future. Having thus secured the concurrence of the American administration, the next part of the scheme was so to arrange the expression that either the British Government should not accede, or if it did accede, that it should secure to France the point of honor—a previous revocation by the British; and if they did not accede, that there should be a color for seizures and sequestrations, and thus still further to bind the Americans over to their good behavior. All this is attained by this well-devised expression "it being understood that, in consequence of this declaration, the English shall revoke."

Now, Great Britain either would accede to the terms, or she would not. If she did, and did it as the terms required, in consequence of this declaration, then it must be done previous to the first of November, and then the point of honor was saved to France; so that thus France, by a revocation verbally present, effectually future, would attain an effectual previous revocation from the English. But if, as France expected Great Britain would not trust in such paper security, and therefore not revoke, previously to the first of November, then an apology might be found for France, to justify her in refusing to effectuate that present, future, and absolute, conditional revocation. And if ever the Duke of Cadore shall condescend, which it is probable he never will, to reason with our Government on the subject, he may tell them that they knew that the French Emperor had issued those decrees, upon the pledge that they were to continue until the British abandoned their maritime principles; that he told us, over, and over, and over again, that previous revocation by the British was absolutely required; that for the purpose of putting to trial the sincerity of the British, he had indeed declared that the French decrees "are revoked," on the first day of November ensuing; but then it was on the expressed condition that *in consequence of that declaration*, not of the revocation, but of *that declaration*, the British were to revoke, and, if they did not, the "understanding" was not realized; and his rights of enforcing his system remained to him. And I confess I do not well see what answer can be made to such an argument. Let us examine the case in common life. You, Mr. Speaker, have two separate tracts of land, each lying behind the farms of A and B, so that you cannot get to one of the tracts, without going over the farm of A, nor to the other tract without going over the farm of B. For some cause or other, both A and B have a mutual interest that you should enjoy the right of passage to your tract, over the farm of each respectively. A and B get into quarrels and wish to involve you in the dispute. You keep aloof, but are perpetually negotiating with each for your old right of passage-way, and telling each that it is owing to him that the other prohibits your enjoyment of it. At last A says "Come. We will put this B to trial. I on this fifth day of August, declare my prohibitions of passage-way are revoked, and, after the first day of November, my prohibitions shall cease to have effect; but, it is understood that B, *in consequence of this declaration*, shall also revoke his prohibition of passage-way." If B refuses, does A, under the circumstances of such a declaration, violate any obligation, should he refuse to permit the passage? Might not A urge with great color and force of argument, that this arrangement was the effect of your solicitation and assurance that B would be tempted by such a proffer, and that the revocation of B was required, by the terms, to be the consequence of

A's declaration, for the very purpose of indicating that it must be anterior to the fact of A's effectual revocation? But let this be as it will; suppose that you, on the first of November, in consequence of A's assurance, had sent your servants and teams to bring home your products, and A should seize your oxen, and teams and products, and drive your servants, after having stripped them, from his farm, and should tell you, that he should keep this, and all other property of yours, on which he can lay his hands, for three months, and then he should restore it to you, or not, as he saw fit, according to his opinion of your good behavior. I ask, if, in any sense, you could truly say that on the first day of November the prohibitions or edicts of A were so revoked, that they ceased to violate your liberty of passage? Sir, when viewed in relation to common life, the idea is so absurd, that it would be absolutely abusive to ask the question. I refer the decision of so simple a case to the sound sense of the American people, and not to that of "scurvy politicians, who seem to see the things they do not." In a condensed form my argument is this. From a revocation merely verbal, no obligations result. By the terms of our act the revocation must be effectual, "so as the edict shall cease to violate our rights." Now the simple question is, whether a uniform seizure, since the first of November, under those edicts (for none other are pretended) of all their property, and holding it for three months, to see how they will behave, be or be not a violation of the rights of the American people? In relation to the revival by a formal declaration of the non-intercourse system, as is proposed in one of these sections, I offer this argument: Either the fact, on which the President's proclamation could alone have been issued, has occurred or it has not. If it has occurred, then the law of March, 1809, is revived, and this provision, by a declarative law, is unnecessary. If it have not occurred, then there is no obligation to revive it, for alone on the occurrence of the specified fact does our obligation depend. In such case the revival by declaration is a mere gratuity to Napoleon. This is in fact the true character of the law. As to the provisions for relief of our merchants against anticipated seizure, I hold them scarcely deserving consideration. Heaven be praised we have independent tribunals and intelligent juries. Our judges are not corrupt and our yeomanry will not be swayed in their decisions, by the hope of presidential favors, nor be guided by party influence. The harpies of your custom-house dare as soon eat off their own claws, as thrust them, in the present state of the law of March, 1809, into the fatness of their fellow-citizens. The timorous and light-shunning herd of spies and informers have too much instinct to pounce on such a prey.

But, in order to cause any obligation to result under the law of May 1, 1810, it is necessary, not only that the fact required be done, and the effect required produced; but also the terms of

that act must be accepted. The proffer we made, if such be the character of that act, was only to revive the non-intercourse law against the contumacious belligerent, after three months had expired from the date of the proclamation. Now it is remarkable, that, so far from accepting the terms of the proposition contained in our act, as the extent of our obligations, Bonaparte expressly tells us that they mean something else; and something, too, that no man in this House will dare to aver they really intend. It is also remarkable that the terms of this celebrated letter from the Duke of Cadore, of the fifth of August, which have been represented as a relaxation in the rigor of the French Emperor's policy, are, in fact, something worse than the original terms of the Milan decree, and that, instead of having obtained a boon from a friend in this boasted letter, our Administration have only caught a gripe from a Tartar. By the terms of the Milan decree, it was to "cease with respect to all nations who compelled the English to respect their flag." By the terms of the letter of Cadore, it was to cease on condition that the United States "cause their rights to be respected." Now, as much as an obligation, of an indefinite extent, is worse than a definite obligation, just so much worse are the terms of the letter of Cadore, than the original terms of the Milan decree. Mr. Speaker, let us not be deceived concerning the policy of the French Emperor. It is stern, unrelenting, and unrelaxing. So far from any deviation from his original system being indicated in this letter of the Duke of Cadore, a strict adherence to it is formally and carefully expressed. Ever since the commencement of "his continental system," as it is called, the policy of Napoleon has uniformly been to oblige the United States to effectual co-operation in that system. As early as the 7th of October, 1807, his minister, Champagny, wrote to General Armstrong, that the interests of all maritime powers were common, to unite in support of their rights against England. After this followed the embargo, which co-operated effectually at the very critical moment, in his great plan of continental commercial restriction. On the 24th of the ensuing November, he resorts to the same language—"in violating the rights of all nations England has united them all by a common interest, and it is for them to have recourse to force against her." He then proceeds to invite the United States to take "with the whole continent the part of guaranteeing itself from her injustice, and in forcing her to a peace."

On the 15th of January, 1808, he is somewhat more pointed and positive, as to our efficient concurrence in his plan of policy. For his Minister, Champagny, then tells us, that "His Majesty has no doubt of a declaration of war against England by the United States," and he then proceeds to take the trouble of declaring war out of our hands, and volunteers his services, gratuitously, to declare it, in our name

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and behalf. "War exists then, in fact, between England and the United States; and His Majesty considers it as declared from the day on which England published her decrees." And in order to make assurance doubly sure, he sequesters our vessels in his ports, "until a decision may be had on the dispositions to be expressed by the United States," on his proposition of considering themselves "associated in the cause of all the powers," against England. Now in all this there is no deception, and can be no mistake, as to the purpose of his policy. He tells us, as plain as language can speak, that "by causing our rights to be respected," he means war, on his side, against Great Britain. That "our interests are common"—that he considers us already "associates in the war," and that he sequesters our property by way of security for our dispositions. This is his old policy. I pray some gentlemen on the other side of the House to point out in what it differs from the new. The letter of Cadore on the fifth of August tells us, it is expected that we "cause our rights to be respected, in conformity to our act," and the same letter also tells us what he understands to be the meaning of our act. "In short, Congress engages to oppose itself to that one of the belligerent powers which shall refuse to acknowledge the rights of neutrals." In other words, "by causing our rights to be respected," he means war on his side against Great Britain. In perfect conformity with this uniform, undeviating policy, his Minister, Turraen, tells our Government, in his letter of the 28th of November last, that "the modifications to be given to the present absolute exclusion of our products will not depend upon the chance of events, but will be the result of measures, firm and pursued with perseverance, which the two Governments will continue to adopt to withdraw from the monopoly and from the vexations of the common enemy a commerce loyal and necessary to France as well as the United States." And to the end, that no one feature of his policy should be changed, or even appear to be relaxed, his Excellency the Duke of Massa, and his Excellency the Duke of Gaeta, in their respective letters of the 25th of December, declare, that the property taken, shall be "only sequestered until the United States have fulfilled their engagements to cause their rights to be respected." Now, Mr. Speaker, is there a man in this House bold enough to maintain, or with capacity enough to point out, any material variation between the policy of France to this country, subsequent to the Cadore letter, of the 5th of August, and its policy anterior to that period? The character of the policy is one and indivisible. Bonaparte had not yielded one inch to our Administration. Now, as he neither performed the act required by the law of May, 1810; nor produced the effect; nor accepted the terms it proposed; whence arise our obligations? How is our faith plighted? In what way are we bound again to launch our country

into this dark sea of restriction; surrounded on all sides with perils and penalties?

The true nature of this Cadore policy is alone to be discovered in the character of his master. Napoleon is a universal genius. "He can exchange shapes with Proteus to advantage." He hesitates at no means and commands every skill. He toys with the weak—he tampers with the mean—he browbeats the haughty—with the cunning he is a serpent. For the courageous he has teeth and talons. For the cowering he has hoofs. He found our Administration a pen and ink gentry—parchment politicians; and he has laid, for these ephemeral essences, a paper fly-trap, dipped in French honey. Hercules, finding that he could not reach our Administration with his club, and that they were out of their wits at the sight of his lion's skin, has condescended to meet them in petticoats, and conquer them, spinning at their own distaff.

As to those who, after the evidence now in our hands, deny that the decrees exist, I can no more reason with them than with those who should deny the sun to be in the firmament, at noon-day. The decrees revoked! The formal statute act of a despot revoked by the breath of his servile Minister; uttered on conditions not performed by Great Britain, and claiming terms not intended to be performed by us! The fatness of our commerce secure, when every wind of heaven is burdened with the sighs of our suffering seamen, and the coast of the whole continent heaped with the plunder of our merchants! The den of the tiger safe! Yet the tracks of those who enter it are innumerable, and not a trace is to be seen of a returning footstep! The den of the tiger safe! While the cry of the mangled victims are heard through the adamant walls of his cave; cries, which despair and anguish utter, and which despotism itself cannot stifle!

No, Mr. Speaker. Let us speak the truth. The act now proposed is required by no obligation. It is wholly gratuitous. Call it then by its proper name. The first fruit of French alliance. A token, a transatlantic submission. Any thing except an act of an American Congress, the Representatives of freemen.

The present is the most favorable moment for the abandonment of these restrictions, unless a settled co-operation with the French continental system be determined. We have tendered the provisions of this act to both belligerents. Both have accepted—both, as principals, or by their agents, have deceived us.

We talk of the edicts of George the Third and Napoleon. Yet those of the President of the United States, under your law, are far more detestable to your merchants. Their edicts plundered the rich. His make those who are poor still poorer. Their decrees attack the extremities. His proclamation fixes upon the vitals, and checks the action of the seat of commercial life.

I know that great hopes are entertained of relief from the proposed law, by the prospect of

a British regency. Between a mad monarch and a simpering successor, it is expected the whole system of that nation will be abandoned. Let gentlemen beware, and not calculate too certainly on the fulfilment, by men in power, of professions made out of it. The majority need not go out of our own country, nor beyond their own practice, to be convinced how easily, in such cases, proud promises may eventuate in meagre performance.

The whole bearing of my argument is to this point. It is time to take our own rights into our own keeping. It is time, if we will not protect, to refrain from hampering, by our own acts, the commerce of our country. Put your merchants no longer under the guardianship and caprice of foreign powers. Punish not, at the instigation of foreigners, your own citizens for following their righteous calling. We owe nothing to France. We owe nothing to Great Britain. We owe every thing to the American people. Let us show ourselves really independent; and look to a grateful, a powerful, and then united people, for support against every aggressor.

Mr. MUMFORD.—The gentleman (Mr. QUINCY) from Massachusetts has given us a long talk, that amused the House very much with tropes and figures, and I hope has convinced himself that he is right. I am no advocate of either belligerent, I have not much confidence in the declarations of foreign Governments. I did, however, put some confidence in the Erskine arrangement, but I was deceived; it met my approbation, because I was among those who were determined to settle our disputes with Great Britain in our own way, as an independent nation. And I will now ask the gentleman from Massachusetts whether, if the Chancellor of the Exchequer, or any other higher authority in Great Britain, should write a letter to Sir William Scott, and a circular letter to the Collector of Liverpool, informing them that the Orders in Council did not apply to American vessels from and after the 1st November, he would not deem those letters to be evidence of the fact? If so, why not give the same credence to the letters of the Duke of Massa and the Duc de Gaste? I wish to preserve the faith of the nation. We have been plundered by both belligerents, and have as little confidence in the one as in the other; but without some reliance on the word of constituted authorities there is an end to all negotiations. The gentleman says that we are about to shut up "the only avenue to our commercial hope." These are his own words. Let us now examine this avenue to our commercial hope. I will in the first place ask the indulgence of the House while I read and state some facts from a letter I have just received from Liverpool, dated January 8, of the present year, from one of the most respectable houses there, which states that the importation of cotton from the United States was 820,000 bales in 1810; that there were then 145,000 bales on hand; tobacco imported in the same

period, 14,700 hogsheads; and notwithstanding the consumption, the quantity imported kept the market supplied constantly with about the same number of hogsheads throughout the year 1810. Potashes imported 28,946 barrels, on hand 13,000 barrels: rice 89,000 imported, and there remain on hand very large supplies. These are the principal articles of the produce of our soil unsold on 8th January, 1811, in the port of Liverpool alone, besides the quantities in the other ports of Great Britain; and the same letter observes: "This supply checks any attempt at speculation, and without an export vent is procured, the stock on hand must remain unsalable; if the belligerents return to a sense of justice, the continental markets being in that case re-opened, will require large supplies, and cause our market to rise." The prices of upland cotton are stated at 12d. sterling per lb.; tobacco, very prime, 4d. to 7d., middling quality, great quantity on hand, fit only for continental market, at 1½ a 4d.; pot-ashes £43 to £44 per ton—rice 19 to 23 per cwt." Sir, there is no American merchant who can pursue that commerce, attended with the enormous charges and duties imposed on those articles without inevitable ruin; and I call to the recollection of gentlemen the numerous failures in consequence of bills of exchange returned under protest, which had been predicated on shipments to British ports; and yet the gentleman from Massachusetts tells us this is "the only avenue to our commercial hope." Send your vessels to the Brazils, you meet them there intriguing against your commerce; to Buenos Ayres, you find them there; to Cayenne, there also; to Terra Firma, you there find them in conjunction with Miranda intriguing and counteracting your commerce; to Barbadoes, Surinam, Demerara, Trinidad, Martinique, Guadaloupe, Jamaica, &c., and you are met with enormous port charges, and duties amounting to prohibition on the staple articles of the New England States; codfish, beef, pork, butter, lard, cheese, hams, &c. It is true we are admitted every now and then, at the mere will and caprice of a governor, to import into those colonies flour at a duty of one dollar per barrel; rice and lumber in proportion; on condition that you shall not take away any article but rum and molasses, and this is the only avenue to our commercial hope. They are like the locusts of Egypt in relation to our commerce. What has become of your 1,850,000 tons of shipping, valued at fifty dollars per ton, amounting to \$67,500,000, one-third of which belongs to Massachusetts? Is the gentleman willing to surrender the carrying trade to Great Britain? Let him turn his attention to the ports of New York, Philadelphia, Baltimore, Norfolk, Charleston, and New Orleans, and he will find that British ships are now taking the bread out of the mouths of his own constituents. They are enabled to take freight on so much lower terms than American vessels can afford to do it in consequence of the very great difference of duties in Great Brit-

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ain, between importations in America or in a British ship, that we cannot compete with them unless you will countervail them, and take a decisive stand in defence of your commerce to continental Europe, and carry your produce direct to the consumers, and be no longer subjected to be fleeced by the monopolizers and retailers of the old world. They are not content to have the whole products of your soil deposited on their Island, on which they receive an enormous import, and raise an extra war tax, besides; but they will claim very soon the exclusive right to carry it when and where they please in their own ships. We are thus reduced to a worse situation than in a state of colonization; we have now all the disadvantages of being plundered by their navy, and none of the advantages of receiving its protection, although they have the impudence to charge us four per cent. convoy duty on their gewgaws and manufactures, which convoy they do not give us. Can this be a desirable state of things? And if persevered in, I am convinced the commerce of the United States will descend into the same tomb with the gentleman's story of the coffin.

There are three classes of your citizens to be provided for, as contemplated in the provisions of this bill—first, sequestrations in France, Spain, Italy, Holland, Denmark, Sweden, Prussia, and Russia. Second, those who have sailed to France under the faith of the Duke of Cadore's letter of the 5th of August. Third, importers of British manufactures. But it would seem by the arguments I have heard advanced in this House that there were only the latter class to be provided for, and, as I presume British precedent and authority will be admitted by the gentleman from Massachusetts to be good evidence, I will inform him and the House, what was the concurrent testimony of the English merchants before the bar of the House of Commons on the subject of exports and imports of the United States. They stated on oath that the exports to the United States were about twelve millions sterling, and that the imports were about four millions on an average for the years 1802, 1803, 1804, when there were no decrees against American commerce, and consequently it took its own natural channel and supplied each market according to its natural consumption. The difference between export and import being about eight millions sterling against us. Those English merchants state that it was made up and received from our trade with continental Europe; this has not been disproved by the British Chancellor of the Exchequer, nor by his friend Stevens, of War in Disguise—it is a fact; they cannot deny it. And shall we be told about the profitable commerce with Great Britain? After a statement of these facts, shall we go on to gorge their warehouses with twelve millions sterling of produce, when their own internal consumption does not exceed four millions sterling? I hope not; and I do trust that the time is not far distant when we shall assert and defend our just rights.

Mr. BLAISDELL.—Mr. Speaker: nothing would induce me to address you at this late hour, while there is so great a commotion in, and so many tokens of impatience manifested by, the House, but a sense of duty, and a desire to lend my feeble aid in arresting the progress of a measure which, in my opinion, involves a question of no less importance than whether we are prepared, after having been insulted, robbed, and deceived, by the French Emperor, to follow the fatal example of the petty, servile States of Europe, and throw this people into the embraces of that monster, at whose perfidy and corruption Lucifer blushes and Hell itself stands astonished. If I understand the amendment of the honorable gentleman from Virginia, its principal object is to renew the non-intercourse of 1809, so far as it respects Great Britain, which was previously attempted to be revived by the proclamation of the President of the second of November last. I should have supposed that, rather than have made so glaring a confession that that State paper misstated fact, the gentleman would have been dissuaded from his darling object, the non-intercourse. But it seems that when it comes in competition with the views of Napoleon, the veracity of the President must be sacrificed. But, sir, convinced as I am, that our paper war, which has been applied to all purposes, even to calling out the army, raising the militia, pressing the horses, &c., and sending them on an expedition the distance of five hundred miles, with express orders not to fight, has damned the character of this Government, broken down the spirit of the nation, embarrassed our citizens, and emptied the late overflowing Treasury, so as to render the resort to borrowing necessary; I cannot but hope that the amendment on your table will be rejected to give place to an amendment offered some days ago by an honorable gentleman from New York, (Mr. EMOTT,) when this bill was under discussion in Committee of the Whole.

Sir, if I understand that amendment, it went to suspend the whole restrictive system, except the third section of the law of May last, which saves fines and forfeitures incurred under our various restrictions. This amendment, to be sure, changes the position recommended by the Executive, but not much more than the bill, with the addition of the amendment now under consideration. Although it becomes this House to pay due deference to Executive recommendations; yet, if there are good reasons for a departure from such recommendations, it equally becomes the members of this House, out of a regard to the correctness of their own proceedings, to make such a departure correspond with the reasons which produced it. The position recommended by the Executive made its first appearance in a short paragraph in the President's Message, recommending such a modification of the law of May last, as would remove all doubts as to its exposition and execution; for the details of such modification we are referred to the report of the Secretary of the

Treasury. In this report we find a project recommended to enforce the non-importation against English merchandise of every kind and from every country. In the first place, by making the proclamation of the President, declaring that the French edicts had ceased to violate our neutral commerce on the first day of November last, the only evidence of that fact; and in the second place, by authorizing the officers of the army and navy to enter ships, dwelling-houses, stores, or any other place, to search for and seize merchandise suspected of being imported contrary to law, and making a donation of the boon so seized to the wretch who should be hardy enough, in defiance of all moral obligation, thus to rob his neighbor; and in the third place, by declaring all merchandise so seized in the Northern section of the Union, adjoining the British provinces, to be forfeited, unless by a palpable inversion of the rule of evidence in all other cases, and even in this case, adopted in all other sections of the Union, he is able to prove that the merchandise was legally imported and the duties paid—with many other provisions, all of which have been laid before this House, in the first bill on the subject reported by the Committee of Foreign Relations, the details of which are too well recollected to need pointing out, or to be suffered to meet a public investigation at this time.

But, sir, with all due deference to the high ministerial officer who recommended the project, and likewise to the honorable committee who reported the bill, I may be allowed to pay it the compliment of saying that, in my opinion, previous to the reign of that tyrant, who, by a military force, aided by projects of this kind, has destroyed the sanctuary of justice, and has spread pillage, debauchery, robbery, and death, throughout the greater part of Europe; such a bill as that would have been scouted from this Hall as the production of a madman. But on receiving the Message of the President, covering the letters of Mr. Russell, the American Chargé des Affaires at Paris, stating that American vessels, loaded with *bona fide* property of American citizens, had been seized and sequestered in the ports of France, under the Berlin and Milan decrees, as late as the 9th of December, doubts seemed to arise in this House, whether the decrees had ceased to operate on the first of November, as the President had declared. And the bill was sent back to the committee, for the purpose, as I understood, of bringing in a bill to suspend the operation of the law of May last, until we should hear from France, whether the Emperor had disavowed those seizures, and whether the decrees had actually ceased to operate on the first of November. And I did understand the honorable chairman of the committee, and several other gentlemen on the other side of the House, to say on that occasion, that if, after we had new arrivals from France, that did not prove to be the case, they should be as ready as any gentleman to repeal the whole code of restrictive laws until the

Emperor should learn to respect our rights. What evidence have we had since to give us a more favorable prospect, as it respects the revocation of the decrees? Not a syllable. But, on the other hand, we have conclusive evidence that they were not so revoked that their operation ceased on that day.

If it be asked where this evidence appears, the answer is ready. In the first place, by the letter of the Grand Judge, the Duke of Massa, to the President of the Council of Prizes, as also by the letter of the Minister of Finance to the Director General of the Customs, both dated the 25th of December, fifteen days after the manly remonstrance of Mr. Russell, in the case of the Orleans Packet; in which remonstrance he states the outrageous conduct of the custom-house officers, and requests a prompt and speedy disavowal of the seizures, and that the property be again placed in the hands of the owners. But, sir, is there any thing in these two letters which looks like a disavowal of the seizure in express violation of the promise of the Duke of Cadore? No, sir, although these letters were written fifteen days after the remonstrance of Mr. Russell. Instead of this they both agree that the decrees did not cease to operate on the first of November, but that the property taken with the Orleans Packet, and all the property which should be seized between the first of November and the second of February, must remain in depot to wait the pleasure of the Emperor, on our causing our rights to be respected by England.

But how, Mr. Speaker, are we to cause our rights to be respected? Is it by merely reviving the law of May last, as is the object of this amendment? Certainly this is not their meaning; for both these letters have reference to that law, as well as the proclamation of the President giving it effect, and to the circular of the Secretary of the Treasury, addressed to the collectors of the several ports, enjoining a strict execution of that law. No, sir, this is not what is to be done, which will satisfy the Emperor. He who flatters himself that this will be sufficient, shuts his eyes against official evidence to the contrary; as well in the above-recited letters, written with a perfect knowledge of the performance on our part, and the promise of a performance on the part of France on the first day of November, as in the letter of the French Minister in the United States on the 12th of December, in which we are told that the French restrictions on our commerce are not to cease, but only on the result of firm and energetic measures to be adopted and persevered in by the two Governments against the common enemy.

But shall I be told that the letters of the Grand Judge and Minister of Finance promised that the property taken from our citizens since 1st of November should be restored, if we cause the law to be carried into effect after the 2d day of February, and therefore we were to believe it and ought to wait until we hear



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whether that has been the case? For the honor of my Government, I hope not. Is it really come to this, that we are brought to acknowledge that the Duke of Cadore was correct when he told General Armstrong that His Majesty could place no reliance on the American Government? No, sir, if this be true, for heaven's sake let us not express it. But what is this amendment which re-enacts the law of May last, and such pitiful reasoning as I have heard on this occasion, but placing our seal to that infamous insinuation? The President, on the mere promise of the Minister of the Emperor, that the Berlin and Milan decrees should cease to operate on the first day of November, placed full faith and reliance on that promise, and issued his proclamation on the 2d, presuming the promise had been fulfilled—and, shall we say that the Emperor is justifiable in disbelieving the law of May last, solemnly enacted by the three branches of the Government and the President's proclamation, together with the Circular of the Secretary of the Treasury, enjoining the law to be carried into effect?

I hope not; for if we are become so pitifully servile as this, well might Cadore, in his letter of February 14th, 1810, tell General Armstrong that the Americans were without just political views, without honor, and even independence. And if we, by adopting this amendment, condescend to justify the Emperor, in his insult upon the plighted faith of our Government, in my opinion we shall furnish the American people and the world with just ground to say Amen to the declaration of Cadore in that respect. Will any gentleman still say, that the decrees ceased to operate on the first of November, since we have had official information from the French Government itself, that our vessels are to be seized under these decrees, until the second of February? I trust not. Those gentlemen who support this amendment, ought to recollect that the sections which go to re-enact the law of May last, contain a confession that that law is not now in operation; for if the decrees did actually cease to operate on the first of November, no one doubts but the law is now in full force, without the provisions of this bill. When the honorable chairman of the committee first offered his amendment, a misunderstanding seemed to take place between him and two gentlemen on the opposite side of the House, viz. the gentleman from Maryland, (Mr. WRIGHT,) and the gentleman from Tennessee, (Mr. REEA,) which undoubtedly happened in this way. While the honorable chairman well knew that the decrees did not cease on the first of November; therefore to keep alive the spirit of the law of May, which gave England three months after they did cease, it became necessary to lengthen the time for her to revoke; and the other two gentlemen, as it would seem, really supposed, that because Mr. Pinkney had said that Cadore's letter was precision itself, these decrees really did cease to operate agreeable to that promise; although we have

the official information from Mr. Russell on our tables, that the Orleans Packet was the first case that had happened after the first of November, to which the Berlin and Milan decrees could have been applied, and that they were applied in that case, and that several late arrivals, which left France from twenty to twenty-five days afterwards, bring no information from him that a change had taken place, and had that been the case, he would certainly have communicated information to the Government before the rising of Congress. On the contrary, these arrivals confirm what he had stated, and say, that every vessel arriving in France shares the same fate. Mr. Speaker, until I heard those two gentlemen, I did suppose that no man of common sense could have believed a position, in such direct opposition to evidence. And from the opinion which I have of the discernment of the gentleman from Tennessee, I think I must have misunderstood him, while perhaps it may be improper to include the other gentleman in the supposition.

Sir, I seldom trouble the House with any observations of mine, nor is it my intention, at this time, to examine and expose all the winding and management which has been practised, to bring about such a state of things as to render plausible this measure at this time. I shall, however, examine the non-intercourse system from the date of the law of March, 1809, and inquire what was its professed object? What use has been made of it? And how has it been regarded by the belligerents? And also notice some of its effects upon our own citizens as well as upon the Treasury. What must be the inevitable consequence if this measure is suffered to go into effect? I take it to amount to an entire non-importation of any of the articles, products, or manufactures of more than three-fourths of the civilized world, to which our merchants would, at this time, run the risk of attempting voyages; for, from the Continent of Europe no one returns unless at the expense of this Government. The dominions of Great Britain, including the East and West Indies, as well as her European dominions, and those on the American Continent, are immense. The products of these various countries formed a principal part of those importations of the last year, which, while the non-intercourse slept, gave new life and vigor to every branch of business. Our seaports, which the year before presented the gloomy appearance of cities besieged by a hostile foe, again resumed the appearance of enterprise, industry and wealth. Thousands, who in 1809 were either a burden to their friends, in the poor-house, or begging their bread in the streets, were in 1810 enjoying the fruits of their industry in a comfortable supply of the necessaries of life, while the farmer and planter sowed his seed and cultivated his field, with the comfortable prospect that his crop would not decay on his hand for want of a market. Now, sir, although exportation is not interdicted by this bill, yet I apprehend

the result will be much the same. It can hardly be expected that Great Britain, who gentlemen on the other side of the House are fond of considering as the cause of all our commercial distress, will condescend to pay us specie for our produce, while our ports are closed, not only against her shipping of all kinds, but against every article of her products and manufactures, as well as those of her colonies and dependencies, while they are open to those of her enemy. Again, what was the effect of the non-intercourse in 1809 upon our Treasury? In addition to the bankruptcy and wretchedness spread over the face of the whole country, we are informed by the annual report of the Secretary of the Treasury, laid on our tables, that the net revenue arising from duties on merchandise and tonnage, accruing during that year, amounted to only \$6,527,000, while we are informed in the same report, that this source of revenue in the three first quarters of the year 1810, while commerce was free, amounted to a sum exceeding \$7,250,000, and the Secretary adds, that he believed the whole revenue arising from duties on merchandise and tonnage for that year would amount to more than \$12,000; making an increase in this year, when commerce was unshackled, of \$5,478,000, notwithstanding all the robberies of Napoleon, which probably amounted to more than forty millions, a free importation of the avails of which would have greatly increased the revenue of that year. From this view of the subject, we find a deficit in the revenue of 1809, caused by this measure, of \$5,478,000, and, in anticipation of the effects of the law now about to be enacted, the Secretary of the Treasury has, in the same report, recommended an immediate additional duty to be laid upon importations, which, together with the high duties already established by law, he thinks will not amount to more than \$8,000,000; making an anticipated deficiency in the next year's revenue, occasioned by this measure, of \$4,000,000, compared with that of 1810. But if we compare the revenue arising from duties on merchandise and tonnage during the year 1809, while commerce was restricted by the non-intercourse, with what it was in 1807, while it was unshackled, we shall find a deficiency of about \$11,000,000.

From this view of the subject, which is taken from authentic documents, which I invite gentlemen to controvert if they have it in their power, it is demonstrated that if we suffered this system to go into operation, we are not only to again reduce our citizens to a state of bankruptcy in their private fortunes, while loaded with additional taxes, but, notwithstanding the aid of these additional taxes, our Treasury is, if possible, to be reduced to a more complete state of bankruptcy than at present. I put it to gentlemen, who are in the confidence of the Cabinet, to say, why we are called upon again to plunge this nation into such a state of poverty and wretchedness? Is it necessary as a measure of self-defence, as the only mode of

resistance which will bring England to terms? For myself I should suppose that our late experiment in this species of warfare, at which France took so much offence, as to take occasion to seize and confiscate the property of American citizens, to the amount of \$40,000,000, which rendered necessary an appropriation of \$80,000 during the present session, in order to enable those of our citizens, who had been thus robbed and plundered, to revisit their native shores, afforded a spectacle too humiliating to suffer us to make another attempt so soon, and before we have so far recovered from the effects of our late experiment as to be able to defray the ordinary expenses of government without having recourse to annual loans for the purpose. Are we bound to adopt this measure on account of the faith of Government being pledged to France by the law of May last?

Here give me leave to inquire what has been the further effect of this law. It seems England, although she saw that if it had any operation at all, it operated only against her, was willing to consider it as a municipal regulation of our own, and treated it as such, while Bonaparte at first, and for ten months, passed it over as inoffensive to him, until our vessels, which had been shut up in our ports by its elder sister, the embargo, having got released from that strong measure, flocked into the ports of France, Spain, Holland, and Naples, all under the immediate and entire control of France, when, on the 23d March, an order was issued by his gracious and loving Majesty to seize and confiscate the property of our citizens in all those countries; which property is, by the best calculation, estimated at more than forty millions. And you will perceive, Mr. Speaker, that the Duke of Cadore saw, that, by suffering the law to pass unnoticed, till our property released from the embargo had filled nearly every port in Europe under French control, and then issuing an order which was to have a retrospective operation of ten months, was such a gross outrage upon every principle of honor and justice, as well as the usages of public law, that he, in a letter to General Armstrong, of the 5th August, 1810, attempts to excuse the piratical transaction, by saying that the Emperor knew nothing of the law of March, until very lately. But, I pray gentlemen to take notice that General Armstrong, in his letter to Cadore of the 10th of March, (five months before the one just recited from Cadore,) asserts that this law was communicated to him in the month of June or July preceding—one whole year before the declaration made by Cadore.

But to pursue this subject: on the first day of May, 1810, while this robbery, I ought to presume, was unknown to the Executive—certainly to the people—this non-intercourse law was repealed; but the majority, for wise purposes, I presume, did, in the same law that repealed the non-intercourse, give the President power, in case England or France should, before the 1st day of March, so revoke or modify her edicts

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as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation; in which case, the non-intercourse should be revived against the nation neglecting to revoke or modify her edicts, in like manner, for the space of three months after the date of such proclamation. And you will recollect, sir, that this law was also opposed by the minority, not so much, perhaps, because they suspected either the integrity or impartiality of the President, as because they thought it unconstitutional to commit a power to the Executive which was, in its nature and effect, an act of legislation, viz: to revive a law at his discretion which was to affect the great interest of the nation, and might result in war. I say, at his discretion; and I ask gentlemen to take notice that the law reads, "so revoke or modify." This law was also sent by the President to our Ministers at London and Paris, as he states in his Message. But, what was it sent there for? Only to be used as an inducement to those nations to revoke their unjust edicts, which was the avowed object of the provision when it passed. And, if sent there for that purpose, it would seem, that to have acted a neutral part, it ought to have been used alike at the palaces of St. Cloud and St. James. But, Mr. Speaker, what was the fact? Here we may learn the management of which I spoke when I first addressed you. This law, which you will perceive was in the nature of a generous overture made to the belligerent who first revoked his edicts, changed its character when offered to the other belligerent, who should neglect to revoke the obnoxious edicts until after his enemy had done so; and, instead of being a generous offer, contained a threat, that if she did not revoke, we should shut our ports against her products, while they should be open to those of her enemy. And this is the light in which it was viewed by our Government, as will be seen in Mr. Smith's letter to General Armstrong, of the 5th day of June, 1810, (printed documents, p. 35,) in these words: "It might be added, that the form in which the law now presents the overture, is as well calculated as the overture itself to gain a favorable attention, inasmuch as it may be regarded by the belligerent first accepting of it as a promise to itself and a threat only to its adversary." For this view of the subject, gentlemen will perceive that it is much more agreeable to close any matter in dispute upon a generous offer for so doing, than it would be to do so while threatened by their opponent that if it is not done they must suffer the consequence of their own folly and his vengeance. Now, in looking through the documents, I mistake if gentlemen have not discovered some management in this business, so that while the law was presented to France as an offer made to herself, it should be presented to England in no other character than that of a threat. It seems that the first correspondence with our Minister which we are suffered to see, is a letter from Mr. Smith to Mr. Pinkney, of the 22d

May; although it appears from that letter that the Secretary of State had sent a copy of the law in a previous letter of the 4th of that month to Mr. Pinkney, as also another copy in the letter of the 22d; but we hear nothing of instructions in either to use this new overture, which the law presents, to the best advantage at the Court of St. James, while it retained its character of an offer made to that Government. Indeed, it would seem most natural to suppose that the instructions given in this business were contained in the letter of the 4th, which was the first enclosing a copy of the law. But, at this we are not suffered to look, nor at the one sent to General Armstrong, of the same date, which was also the first to him enclosing a copy of the law.

But, Mr. Speaker, as we are not suffered to see the first correspondence on this important business, which we are called upon by the Executive to carry into effect by a new act of legislation, it becomes doubly our duty to examine well this letter of the twenty-second, and see what that treats of, and whether it compares with the first we are suffered to see, sent to General Armstrong on this subject. In this letter to Mr. Pinkney of the twenty-second, the Secretary commences, as he says, with much surprise, that Great Britain had not revoked her blockades, and that she had not sent a man of rank to replace Mr. Jackson; and, after having dwelt at great length on the latter of these subjects, he mentions that he had sent a copy of the law, as also another, in his letter of the fourth of that month, and tells Mr. Pinkney to let the British Government know that the provisions of the law would be carried into effect, but not a syllable of proffering it as an offer made to that Government and a threat to France. But, instead of this, the Secretary selects two subjects, which he must have known would be difficult to close, and tells Mr. Pinkney that if another Minister was not sent to replace Mr. Jackson, to let the British Government know that he would return to the United States. And as though this was not sufficient to prevent the British Government from closing with the conditions of the new overture, the attack on the Chesapeake must be settled in a manner agreeable to the propositions made to Mr. Rose and Mr. Erskine, which he might well know would not be done, as the British Government had told him it could not be closed in that way. On the first of July, Mr. Pinkney acknowledges Mr. Smith's letter of the twenty-second of May, and very properly goes on to execute the instructions it contained as to the British Government sending a man of rank to replace Mr. Jackson, &c. And, in my opinion, very properly notices the scrap of instructions it contained, respecting the law of May last, by merely mentioning, that while he is engaged with Lord Wellesey on these other subjects, he thinks he shall draw his attention to the non-intercourse law, but I find no account of his ever presenting the law to that Government.

Now, Mr. Speaker, while we see in this letter of the twenty-second the substance of all we are permitted to see of the use to be made by Mr. Pinkney of this law, as an inducement to the British Government to revoke the Orders in Council, let us examine what was the course pursued towards the French Government to induce it to take advantage of the law, while it retained the character of a favorable overture, so that the British Government should have to meet it as a threat, or as a rod held over them to procure the revocation of their edicts. In order to do this, I shall examine the first letter which is suffered to come to public view, from Secretary Smith to General Armstrong, after the date of the law of May first. This bears the date of June fifth, documents, page 34. In this, we find that he had sent two before, each one enclosing a copy of the law, and no doubt both containing instructions what use to make of it. For we find, even in this third letter, that Mr. Smith tells General Armstrong, (to use his own words,) "If there be sincerity in the language held at different times by the French Government, and especially in the late overture to proceed to amicable and just arrangements in the case of our refusal to submit to the British Orders in Council, (not blockades,) no pretext can be found for longer declining to put an end to the decrees of which the United States have so justly complained." And here, I entreat gentlemen to notice that this is the first ground stated by our Government to that of France, as being that which would be insisted upon from England—a compliance on her part required to entitle her to the provisions of this law, viz., her relinquishing the Orders in Council. We may here notice, that Mr. Smith adds, as a further inducement to France to take advantage of the law, while it retained the character of a favorable overture, "that by putting in force the non-intercourse against England, agreeable to the terms of this statute, that the very species of resistance would be made which France has been constantly representing as the most efficacious." But, Mr. Smith goes still farther in his instructions, and tells General Armstrong, "that it may be added, that in the form in which the law now presents the overture, it is as well calculated as the overture itself to gain a favorable attention, inasmuch as it may be regarded by the belligerent first accepting it as a promise to itself, and a threat only to its adversary." In this letter, we find that the Secretary states a first ground, which was necessary in the first instance to entitle the French Government to the provisions of this law. What was this ground? Why, he tells General Armstrong to let the French Government understand that the President would not proceed to give the law effect, if the restoration of the property of our citizens be finally refused; and closes his letter by directing him to let that Government know that the only ground, short of a preliminary restoration of the property, on which the contemplated arrangement could take

place, would be an understanding that the confiscation was reversible, and that it would become immediately the subject of discussion, with a reasonable prospect of justice to our injured citizens. Was this the ground on which the subject was placed? It seems so, from this official letter of the Secretary. Yes, sir, it was; and with due deference, I may be allowed to say, the only honorable and just ground; and if the American Government had possessed independence enough to have still occupied this ground, we would not have had the mortification to discuss the bill on the table at this time. But, instead of this, although Mr. Smith had just received Cadore's insulting letter, in which he more than insinuates that, as a Government and nation, we are destitute of just political views, without honor, energy, or even independence, and closes by letting our Government know of the seizure and sale of the property of our citizens in all the ports of Europe under French control; what was the conduct of the American Government on this occasion? I entreat gentlemen to take notice, that, with this horrid picture of insult and robbery fresh in their recollection, the same conciliatory disposition, guided by the principles of neutrality, which dismissed a British Minister for an implied insult, induced Mr. Smith to inform General Armstrong that the President thought it best not to make any animadversions on that subject at that time. (Printed documents, page 34.) The next letter on this subject worthy of notice, is one of the 5th of July, in which Mr. Smith acknowledges the receipt of information, that the property which he had said in his last must be restored, in order to entitle France to the American commerce while it was denied to England, was sold, and the proceeds deposited in the *caisse priée*—privy purse of the Emperor. Here, indeed, Mr. Smith seems to have almost forgot himself, and to conceive he was giving instructions how to proceed with a British Minister, and tells General Armstrong to demand every reparation of which the subject was susceptible. But, Mr. Speaker, is it not worthy of notice that he closes even this spirited letter, with such a history of piracy and insult then on his desk before him, by quitting the ground he had taken in his letter of the fifth of June, and, instead of a proposed renewal of the non-intercourse against England, if she should neglect to withdraw her Orders in Council, which was the only ground taken by the President with Mr. Erskine, and also the only thing contemplated when the law of May last was passed, as also the only ground taken by himself only one month before, (having, it is presumed, heard from France in the interval,) he condescends to tell the General, that if France should demand it, he might give her to understand that it was the President's intention to renew the non-intercourse against England, if she did not also rescind her blockades. It is here again to be noticed, that he again repeats, what he had before told General Armstrong, that a

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restoration of the property was indispensable, in order to a renewal of the non-intercourse against England.

But again: will, I had like to have said, the servile manner, in which a rescinding the blockade is coupled as a condition with the withdrawing the Orders in Council, escape notice? Immediately on instructing General Armstrong to state to the French Government that a repeal of the blockade of eighteen hundred and six would be insisted on, the Secretary adds: "You will press the reasonableness of permitting the United States to proceed in such way as they may think proper, in relation to any subsequent blockades, or any other blockades not against France," which to me reads in this way, *i. e.*, as we have, at the request of the French Government, receded from our first ground, and included blockades also, you are instructed humbly to request Bonaparte to permit us to do our own business in our own way in future. *My God!* After all this, to see the Government of my country soliciting, at the feet of the Emperor of France, for permission to manage their own affairs in their own way! What American can read this correspondence without laying his hand upon his heart and exclaiming, O my Government, my Government, now is the gold become dim, and the most fine gold changed! The next thing we meet with, is Mr. Smith's letter of the 2d of November, to General Armstrong, enclosing the President's proclamation, declaring the edicts of France so revoked, as that they ceased to violate the neutral commerce of the United States, and of course the non-intercourse to be revived against England after the 2d of February, if she did not in the mean time revoke her orders, which, after the ground taken, and so often repeated, with respect to the restoration of the property, must astonish every American. But we have still this as a consolation, that Mr. Smith, notwithstanding he had been told by the Duke of Cadore that it was impossible any compromise could take place on that subject, says in the letter enclosing the proclamation that the President presumes that the requisitions contained in his letter of the 5th of July, as to the restoration of the property, will have been satisfied. In the name of God, Mr. Speaker, what grounds had he for this presumption? In addition to this, in his letter of the 5th of November, Mr. Smith instructs General Armstrong to let the Emperor know that the third section of the law of March, 1809, at which he took so much offence, was not intended to operate against his subjects, but against our own citizens. And although this may be, and probably is, true, yet a confession of this kind, after so recent and aggravated insult and violence, must I think be sickening to the American people, and Napoleon himself will be at a loss to know why it was made unless to testify our loyalty. But our loyalty to the contrary notwithstanding, the Duke of Cadore in his letter to General Armstrong of the 12th of September, in answer to

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one from him of the 7th of that month, tells the General, that the Emperor sees with pleasure that the Americans are far from acknowledging the tyrannical principles of English legislation, yet informs him that as to the merchandise confiscated, it having been confiscated as a measure of reprisal, the principles of reprisal must be the law in that affair.

Now, Mr. Speaker, after seeing how the law of May, 1810, has been used with the French Government, and for aught we know, not used at all with that of England, until it had assumed the character of a threat, together with the various changes of position taken by our Government in this business, I think it demonstrates a management, which, if duly examined, will not leave much doubt whether it be indispensably necessary to suffer this law to go into operation, either as a measure of resistance against England, or of good faith towards France. For instance, at one time England must repeal her Orders in Council to entitle her to the benefit of the law; at another, viz: after hearing from France, the condition must include a repeal of the blockades also, and on the part of France, she must rescind her decrees and restore the property, then a promise is to be accepted as it respects the property, and, to top the climax, the proclamation issues on the presumption of an agreement having taken place, on the part of France, that the property shall be restored. But after all this we are told by Cadore, on the 12th of September, to be contented, for as to the property in question it will not be restored.

But, Mr. Speaker, it seems that the President, in compliance with a resolution of the House of the 21st of December, has furnished documents which put the question beyond a doubt, that the proclamation was issued, declaring that the French decrees were repealed, so that they ceased to violate the neutral commerce of the United States, when, to say the least, he had no official information of the fact, or, if he had, he has taken care to keep it to himself. Mr. Smith, in his letter to Turreau, of the 18th of December, is compelled to say in effect, that the French restrictions on our commerce are not rescinded, or, to use his own words: "If, then, for the revoked decrees, municipal laws producing the same commercial effect have been substituted, the mode only, and not the measure, has undergone an alteration." In this situation, I should like to be informed why we are called upon by the Executive so to modify our laws as to carry the non-importation against England and her dependencies forcibly into effect, and thus destroy the small remains of our commerce, the effects of which we have so recently felt at the Treasury, since the repeal of the non-intercourse law of May last, as I have already shown from the Secretary's report. This information I have not as yet been able to obtain, although I have sought for it, unless I resort to the last paragraph in General Turreau's letter of December 12, to Mr. Secre-

tary Smith, in answer to one from the Secretary, remonstrating against the exclusion of cotton and tobacco from the ports of France. In reply to which he says, among other things, that he thinks some modification will take place in this respect, but tells him that this will depend upon the firm and persevering measures to be pursued by the two Governments against the common enemy. In this intimation of his Imperial Majesty through his Minister, which, by-the-by, is not the first of the kind, will I fancy be found the only necessity of suffering this measure to go into operation. And are gentlemen prepared to obey? I trust not. No, sir, I will not for a moment entertain so degrading an idea. But firmly believing the contrary, I still hope the amendment will be rejected, and with it the whole restrictive system, until France shall learn to respect our rights.

Mr. Speaker, if I am to be called an enemy to my country for opposing this measure, under present circumstances, to my country I will appeal; being entirely willing that the honorable gentleman from Maryland (Mr. WAGGENT) and his friends should share the whole of the honor of advocating the right of the Emperor to take and withhold the property of our citizens. Sir, it creates no astonishment to hear that gentleman contend that we are bound by the law of May to carry the non-intercourse into effect against Great Britain, but, to hear a gentleman possessed of the discernment of the honorable chairman of the committee who reported this bill, make this declaration, is truly astonishing, when the reverse is the fact. I trust I have already shown that in every communication from our Executive to the French Government on the subject, that Government has been told that if, in connection with the revocation of the decrees, the sequestered property was not given up, the non-intercourse would not be renewed against England. These several letters were communicated to this House, and published nearly three months since, and are, at this moment, in the hands of the British Government, and, by this tenure, that Government has a right to rest assured that the non-intercourse will not be renewed against them. Indeed, to believe the contrary, would be an insult to the plighted faith of the Executive.

Mr. BIGELOW.—Mr. Speaker, I regret extremely that, at this late period of the session, and at this late hour of the night, the high sense of the duty which I feel that I owe to my constituents and to my country, should compel me to submit to the consideration of the House a few remarks upon this all-important subject. They will be of a general nature, candid, and as much as possible confined to the subject of debate.

Sir, on this occasion, I feel no disposition to censure the conduct of the President. Permit me, however, before I proceed to the subject, to notice a very singular remark of the honorable gentleman from Pennsylvania, (Mr. ROSS.) That gentleman observed, "that when this bill

was laid on your table, he was determined to vote against it; that he considered it wrong in principle, and injurious in its consequences; and that he should now vote against it, had not several gentlemen, particularly the gentleman from Massachusetts, (Mr. QUINCY,) been so severe in their censures upon the conduct of the Administration. He felt it his duty to support the Administration, and should, therefore, vote for the bill, although he disliked it."

Sir, I apprehend the President will not feel under very great obligations to that gentleman for this kind of support. For myself, I am free to declare, that stronger reasons than those must operate upon my mind, before I can give my sanction to a measure professedly impolitic and unjust.

This bill, Mr. Speaker, is advocated on the ground that, by the law of May, 1810, we are under obligations to France to prohibit commercial intercourse with Great Britain. If, sir, I rightly recollect, for I have not the law before me, the substance of the provision, as it respected France, was, that if she so revoked or modified her edicts and decrees, as that they should cease to violate our neutral commerce, and Great Britain refused, for three months, to pursue a similar course, then was this system of non-intercourse to commence, as it respects Great Britain.

Mr. Speaker, I deny that the faith of the nation is pledged by the law of May, 1810. It is neither a contract nor a treaty. To constitute a contract, two parties are necessary, at least. All writers upon the subject have so considered it; and, sir, if one party can make a contract with another, without the knowledge, consent, or approbation of the other, it is a new discovery, with which, as yet, I am unacquainted. Such, sir, is the nature of the contract referred to. The Congress was the only party concerned in making it. France knew nothing of it; it was made wholly without her consent or approbation. How, then, is the national faith plighted to France by that law? Sir, I know of but one way in which the faith of this nation can be pledged to another, and that is, by a treaty approved and ratified by the constituted authorities; and surely, sir, no gentleman will contend that this law amounted to a treaty. If, then, it was neither a contract nor a treaty, the faith of the nation is not pledged. The most you can make of it is, as was observed on a former occasion by the honorable gentleman from Virginia, (Mr. RANDOLPH,) "that it is a rule of conduct for ourselves." But, sir, I am willing to admit, in case France had fairly and honestly complied with the conditions of the law, so often referred to, that good faith on our part might have required that we should pass the present bill. What was the condition to be performed on the part of France? Sir, she was to revoke and modify her decrees, so that they should cease to violate our neutral commerce. This has not been done. The Berlin and Milan decrees are not even nominally revoked. Look

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at the letters of Mr. Russell, our Chargé des Affaires at Paris, of the tenth of December last. Look at the letters of the Dukes of Massa and Gaete, of the twenty-fifth of the same month. Look at her conduct subsequent to the first of November, the time when you were informed that those decrees would cease to operate. Has she not seized every vessel which has arrived at her ports since that period? Upon this point I will not waste the time of the House by attempting to show that those decrees are still in force, a fact which has been already so fully and amply proved by the candid and able arguments of the honorable gentleman from New York, (Mr. EMOTT.)

But, sir, I will go further, and, for the sake of argument, admit, not only that the law of May, 1810, has all the binding force upon this nation of a treaty made by the regular constitutional authorities, but that the Berlin and Milan decrees were, on the fifth day of August last, actually revoked; and, after the first day November, ceased to violate our neutral commerce. There is still another important point to be considered, and I hope gentlemen will attend to it with candor.

Sir, it is a principle well established by the law of nations, as well as by the laws of nature and reason, that when one nation, in consequence of revoking certain acts injurious to another nation, claims from the other nation the performance of a promise made on condition that those acts should be revoked, it is necessary that the nation thus claiming the fulfillment of the promise, should first, not only revoke those injurious acts, but it should also be done fairly and honestly, without subterfuge or reserve, and without, at the same time, adopting other measures equally injurious, and producing the same effects. Now, sir, admit that the declaration of the Duc de Cadore, in his letter of the 5th of August, 1810, that the Berlin and Milan decrees were revoked, and, after the first of November, would cease to violate our neutral commerce, was an actual revocation of those decrees; still, sir, if this was merely to amuse and deceive us, if another act equally injurious was at the same time substituted, will it be contended that France has, nevertheless, fairly complied with the conditions of your law? Sir, it is a very singular fact that, on this very fifth day of August, another decree was issued by the French Emperor, which was equally injurious, and amounted, in fact, to a prohibition of our commerce, as much as the Berlin and Milan decrees. I allude to the duties established by the Emperor on articles of American produce, which were so enormously high, that the owner would prefer an abandonment of his cargo to a payment of the duties. Even this was insufficient; for, by a subsequent decree, various articles were prohibited, and those which were allowed, must only be exported in vessels which should sail from Charleston or New York.

Is this, sir, that fair, that honest repeal of

the Berlin and Milan decrees; is this that *bona fide* performance of the condition; that ceasing to violate our neutral commerce, which lays us under such solemn obligations to France? Am I not, then, Mr. Speaker, authorized to say, that the condition of the law of May, 1810, has not been complied with? I trust, sir, as to this point, that the letter of the Secretary of State to Mr. Turreau, of the 18th of December last, will be considered as conclusive. In this letter, the Secretary, speaking of the enormous duties which have been mentioned, observes: "If, then, for the revoked decrees, municipal laws, producing the same commercial effect, have been substituted; the mode only, and not the measure, have undergone an alteration."

To my mind, sir, this insidious, this perfidious conduct, on the part of Napoleon, is infinitely more base, and merits the indignation of the American people infinitely more than would an open refusal to revoke the obnoxious decrees. It is an attempt, if I may be allowed the expression, to gull and deceive us, by an artful, intriguing policy, which ought to excite our jealousy, and rouse our highest resentments. I trust, sir, I have fairly shown that our faith is not plighted, that we are under no obligations to Napoleon. If in this I am correct, then the passage of the present bill is a mere question of policy and interest.

It would be a mere waste of time to attempt, by a reference to the past evils which have resulted from this restrictive system, to show the impolicy of its continuance. The bad effects already produced are but too well known. This, sir, is the favorable moment to erase it from your statute books; the policy and interest of the nation require it.

Let us examine, for a moment, the consequences of its continuance.

Do you believe, sir, that your merchants, a great portion of whose property has been seized by foreign nations, when the remnant of their vessels, which have escaped, shall, upon entering your own ports, be seized by your own custom-house officers, that they will be satisfied to lose the remainder of their property, in pursuance of your own laws? They will think it hard enough, that millions of their property have been seized by France, by Denmark, and by Sweden, without having the remainder seized on their return, and confiscated by their own Government. Surely, sir, they will require strong evidence of the fact that your faith is plighted to France, before they will be satisfied with the measure you are about to adopt.

Mr. Speaker, I am not the Representative of merchants; I feel no peculiar interest in their favor, but I consider them a useful class of citizens; their interests are closely connected with the interests of your farmers; and, in this point of view, they are at least entitled to notice. Hitherto, your merchants have been noted for their fairness, and for the respect they have paid to your revenue laws. But, sir, after having their property plundered by France, by

Denmark, and Sweden, will they not, when they learn that from a scrupulous regard to your faith plighted to France, a faith, however, which has no existence, you seize, with a few exceptions, all which return; will they not, I repeat it, endeavor to land their cargoes so as to escape the vigilance of your officers? Have you no apprehension that, when they have once learnt the art of smuggling to save their property from seizure and confiscation, they will afterwards practise it, to avoid the payment of duties? I fear that this system will have a tendency to corrupt the morals of your merchants, and from them it will extend throughout the country.

WEDNESDAY, February 27.

The House formed a quorum at half-past ten o'clock.

MR. GOLD.—Mr. Speaker, at a period when the civilized world is convulsed by continued war, to its centre; when the European continent is exhibiting the marks of ruthless conquest, and is threatened with all that barbarism, with which Attila, with his invading hordes, overwhelmed the Roman world, it becomes the Councils of this nation to move with cautious steps on the theatre of our foreign relations; to move, sir, with a fixed eye on the great law of neutrality, and yield an implicit obedience to its high injunctions.

It eminently becomes, sir, the Government of this country, in all our concerns with the belligerents of Europe, to carry an even hand, to manifest to both a fair, impartial, and equal conduct. Without such a course, the consequences to our peace and prosperity, from the jealousy and violence of warring nations, are inevitable, and, with it, we can hardly promise ourselves exemption from aggressions and spoliation; such and so destructive is the spirit of the times. Need I, sir, to excite caution in legislation, refer the House to the consequences of the non-intercourse act of the 1st of March, 1809; for, however free from all exception from the belligerents was that act, yet France, in the wantonness of power, made it the pretext for the exercise of the rigorous right of reprisal by an additional decree, which, with the preceding, have, like the besom of destruction, swept our property from the ocean.

It was on that act, that the Rambouillet decree of the 23d of March last, was founded for its sole justification; and so do the very terms of the decree, shameful and disgraceful as it is, import.

In reviewing the proceedings of our Government under the act of the 1st of May last, (the act upon which the President's proclamation for a non-importation with Great Britain is founded,) permit me, sir, to ask if the spirit of a fair and impartial neutrality, so eminently necessary in the critical situation of the United States, has guided our proceedings with the respective belligerents? By this act, if either

of the belligerents rescinded its edicts, violating our neutral rights, the non-intercourse act was to be put in force against the other refusing to rescind, and the President, by proclamation, was to declare such fact of rescinding. Under this provision, sir, the President substituted a prospective engagement for a fact done; a promise for a performance; the future for the past, and hence, sir, have resulted our present difficulties; that crisis which bears so hard upon the American people. It is not, sir, my object to impeach the motives of the President in this ill-fated proceeding; I am to presume a love of country guided him; but it is impossible not to see in the measure a course indulgent to France, a construction upon the letter of the Duke de Cadore, of the 5th of August last, (touching the revocation of the decrees of Berlin and Milan,) the most favorable and advantageous to that country, and offensive to Great Britain. For, sir, notwithstanding the above proclamation, the noonday sun is not plainer than that those decrees are not revoked; nor indeed, sir, will they, in my opinion, ever be revoked under the above act. The utmost extent of our hopes, from the last despatches transmitting the official communication of the twenty-fifth of December last, from the Grand Judge Massa, and the Minister of Finance, Gaeta, is, that our vessels (with their cargoes) seized in the ports of France since the first of November, in violation of the stipulation of the above letter of the 5th of August, and of all that is holden sacred among nations, may be at some future day, under some new and embarrassing conditions, flowing from the policy of Napoleon, restored to our suffering citizens. By the last paragraph of the above letter of the Minister of the Finances, it would seem that the Emperor and King has shut his eyes upon past engagements, and referred all that concerns us to the second day of February, when new toils are to be spread, as is to be presumed, for the unsuspecting, credulous, and confiding American merchant and navigator. Against the mass of evidence, that the French decrees are not revoked—evidence which is increased by the melancholy advices of every east wind—the honorable member (Mr. RHEA) from Tennessee, refers us to the President's proclamation, as a foundation for our faith in the repeal of the decrees to rest on; this is evidence indeed of things not seen. As well might the trembling mariner look to his almanac for the state of the weather at the moment the pitiless tempest is beating upon him, and his vessel is sinking under the shock of the elements. Whatever ground of hope or belief in the good faith of France existed at the time of issuing the proclamation, subsequent events have removed those grounds from under our feet, and blasted all our hopes; the wily policy of the French Court stands confessed; the Emperor loves but to chasten; he seduces but to destroy.

While the indulgent course, the favorable interpretation of the letter of Cadore of the 5th



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of August above mentioned, was adopted by the Cabinet towards France; was a similar temper and disposition manifested in relation to Great Britain?

I fear, sir, this part of the case will not well bear scrutiny. That the Orders in Council, and not the doctrine of blockade, were the objects of the act of the 1st of May, in relation to Great Britain, not only the debates of the period, but the recollection of every member of this House, will bear me out in asserting. That mere cruising blockades, and every other blockade not supported by an actual investing force, is unwarranted by the laws of nations, is my clear conviction; it is the result of examination and reflection on the subject; but unfounded in public law as is the doctrine set up by Great Britain, its abandonment or modification can only be expected from treaty, and not by an isolated declaration at the threshold, under the threat of a specific alternative. The Orders in Council being removed, the blockade of May, 1806, would have been little more than nominal; why then was it insisted on as indispensable, under the above act? Through a strange fatality, something, inconsiderable in itself, is always found in our demands upon Great Britain, to bar a settlement.

But, Mr. Speaker, what is calculated much more to put in jeopardy the neutral character of our Government is the bill on the table. While all is uncertainty and embarrassment with France; while her decrees remain merely suspended and not revoked; while your merchants, trusting to the plighted faith of the Emperor, have been drawn into the French ports and there betrayed and sacrificed; while commerce is bleeding at every pore under the merciless gripe of Napoleon, we are called on to go farther to conciliate France, than she was entitled to, had she faithfully revoked her decrees. Upon revoking his decrees, the Emperor was entitled to have the act of the 1st of May carried into effect against Great Britain, and he was entitled to no more. Such, sir, is the precise condition imposed on the United States by the letter of the Duke de Cadore, of the 5th of August, and this is the whole extent of the requirement. Upon what ground, then, sir, is it that we are called on to pass this additional non-importation act against Great Britain? If France has revoked her decrees, is not a non-importation with Great Britain inevitable, and does it not exist? But I will put the key to the door; let us not dissemble; France has not revoked, and for that cause and that alone, has the question arisen, whether there be at this time a legal non-importation with Great Britain. If, sir, there be any other difficulty, in the way of a non-importation with Great Britain; if there does exist any other possible obstacle, let the advocates of the bill name that obstacle. I make the appeal to gentlemen, I demand of the chairman of the committee who reported this bill, why and wherefore it is presented? France has failed to re-

voke her decrees, and as such revocation was, under the act of the first of May, a pre-requisite to non-importation with Great Britain, such non-importation must fall, unless this additional act in favor of France is passed. This, sir, is the whole length and breadth of the case; and on no other ground can this disastrous measure be placed. If France revoked her decrees, she was entitled to a non-importation against Great Britain, and if she failed to revoke, what? The bill gives the answer—she is equally entitled; so that, do what France may do, the end must be a non-importation with England. Such, sir, is the logic of your bill; such the impartiality towards the belligerents; such and so barefaced the subversion of the great principle of the act of May last.

The principle of the act of May was just and equal; our offers to Great Britain and France were the same, and the result, in case of refusal, alike to both. France met the offer by the famous letter of Cadore, of the 5th of August; in which, with more than conjurer's skill, this disciple of the Jesuits brought together and united both present and future; he revoked and did not revoke; he gave up the decrees and yet retained their operation or effects; he made the revocation both absolute and conditional; absolute for obtaining the President's proclamation, conditional for the purpose of eluding performance; absolute for drawing our property within his clutches, conditional for retaining it, to fill his coffers and fatten his minions; in fine, sir, the letter was one thing, or another thing, or nothing at all, as artifice might suggest or future events render necessary.

But, sir, the most copious source of error that I have witnessed during the various debates upon the proceedings under the act of the 1st of May, is found in the extent of the Berlin and Milan decrees. The gentlemen who have commenced their career of conciliation with France, treated those decrees as operating only on the narrow ground of direct commerce between the United States and Great Britain and on our vessels to other ports which have submitted to British search; hence the effort to justify the late seizures of our vessels in France, upon grounds consistent with the repeal of those decrees, as being laden with British colonial produce, &c. But, sir, this cannot avail or give the least color to the pretence of a repeal.

The Berlin decree (that decree which emanated from the French Emperor at the capital of prostrate Prussia, where he sat like Marius over the ruins of Carthage) contains ten distinct articles; the 6th and 7th prohibit all trade in British merchandise, and, the more effectually to close all the avenues to the continent, exclude from the continental ports all vessels coming from Great Britain or her colonies, or that shall have visited the colonies after the date of the decree. The Duke de Cadore, by the above letter of the 5th of August, pledged the Emperor, his master, for the entire repeal of this decree without any reservation. Had this

pledge been faithfully redeemed; had such repeal been had with good faith, it would have subverted the whole continental system and removed all difficulty both between the United States and France, and between us and Great Britain, as it must have produced the actual result required by Great Britain, in restoring the commerce of the world to that state it was in at the promulgation of the decrees. Although the above decrees partake of municipal as well as external regulation, yet the French Emperor, foreseeing that Great Britain would not relinquish the ground taken while the continental system, so hostile to her commercial interests, was continued, and yielding for a moment, as is supposed, to the groans of subjugated States, stipulated by the above letter for a relinquishment of his system by an entire repeal of those decrees. Let me repeat, sir, had France proved faithful to her engagements, the United States would at this moment have had a prosperous commerce with Europe, and the present state of things is fairly imputable to the Emperor, with whom that bill on your table invites us to proclaim "all is well." I look about me, sir, with emotions of concern and anxiety to find a ground on which to justify the course adopted by this bill towards the belligerents. The peace, the reputation, and honor of my country are concerned. While the great principles of justice and fair neutrality shall be our landmarks and guide, come what may, fall when we may, we shall stand justified to the world, and what is of more consequence, we shall have the support of our own consciences; the sweet and consoling reflection, that we stand clear of fault and deserve a better fate. This bill will not give the United States this high and enviable condition.

Mr. PEARSON.—It is but seldom, Mr. Speaker, I address you, especially on subjects of the nature and importance of that which is now under discussion. Perhaps on this account, I may not be the less entitled to your indulgence and the attention of this assembly.

Being opposed to the principles of this bill, and having no confidence in the reasons or pretences by which it is attempted to be justified, I shall not trouble you with an exposition of its particular details, however novel, arbitrary, and impolitic they may appear. The bill proposes substantially a revival of that system of commercial restrictions, under which the people of our country have so long and severely suffered. It substantially denies all intercourse with Great Britain and her colonies, by excluding from our ports British vessels of every description, and the products and manufactures of that nation of every kind, and to whomsoever they belong; while at the same time, every possible indulgence is granted to France—her vessels, armed and unarmed, her products and those of the nations which she has subjugated, find no restraint from us. Here let me remark, that to those two contending powers, whenever their interest, or the interests of either of them come in

contact with the interests of my own country, I feel no preference, I make no discrimination; my first best wishes ever are at home. I now solemnly appeal to gentlemen, why shall we, at this moment, make this marked distinction? Why shall we take this hostile attitude against Great Britain, and open our arms to the embrace of France—when, by doing so, we must inevitably afflict our own people, and depart from that character of neutrality, which has been the alleged boast of the present and late Administration; and which alone has afforded those in power an apology with the people for those wild schemes of policy, with which their course has been but too plainly marked, and that accumulated distress which every man has seen, and every honest man has felt? Can it be because Bonaparte has said he loves the Americans? I, sir, know no other cause. I know it has been said on this floor, and said too by the honorable gentleman who reported this bill, and his honorable colleague, (Mr. GHOLSON,) that the Berlin and Milan decrees are revoked; and, in compliance with the law of the late session of Congress, the faith of this nation is pledged to Bonaparte, for the due execution of that law against Great Britain. To those opinions my understanding cannot assent—the obligation to Bonaparte I neither feel nor believe. That none such exist will not, in my opinion, be difficult to prove. For a fair understanding of this question, it becomes necessary to apply to the law of May, 1810. On that law and the proceedings which have been subsequently adopted by this Government and France, must the propriety of the present measures be justified or condemned. The act alluded to, in substance, declares: "That in case either Great Britain or France shall, before the 8d day of March next, so revoke or modify her edicts, that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not, within three months thereafter, so revoke or modify her edicts in like manner, the restrictive provisions of the law of 1809 are to be revived and have full force and effect against the nation so refusing or neglecting to revoke or modify," &c., and the restrictions imposed by the act, are from the date of such proclamation, to cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid.

The emphatic words of this law are, so revoke or modify, as that they cease to violate, &c. Here is a positive, unconditional, indispensable prerequisite, to be complied with before the President was authorized to exercise the power given to him; a specific fact was to exist, and he was empowered simply to make its existence known to the nation; no discretion was allowed; nothing left to doubtful construction—no conditional promissory note of a perfidious agent, of a more perfidious master, was contemplated by the law. The great question now

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is, does the fact on which the proclamation was alone to issue, and on which its legitimacy solely depends, exist, or does it not? The very doubt ought to decide the question—the burden of proof unquestionably ought to rest on those who call on us to pass this law; and in their own language, execute the contract, and violate not the faith so solemnly plighted to “Napoleon the Great”—unfortunately the evidence on which they rely disproves the fact, and we are enabled to do what can seldom be done, and ought never to be required—prove a negative.

The letter of the Duke de Cadore, of the 5th August, 1810, the proclamation of the 2d of November, and Mr. Pinkney's diplomatic special pleading in his letter to the Secretary of State, of the 10th of December, constitute the whole burden of proof upon which the advocates of this bill rest their defence, and the evidence of the fact on which alone it can be justified. I have stated the law, and what I conceive to be its obligations on the President and ourselves. It will now be proper to take a correct view of this famous letter of the Duc de Cadore of the 5th August, this honeyed charm, which has seduced us into a labyrinth, from whose gloomy cells and devious windings we are, I fear, not soon to be extricated. This letter, which contains but one sentence of plain truth, viz: “That the Emperor applauded the general embargo laid by the United States”—after asserting the most palpable falsehood, by denying that the Emperor had knowledge of our law of March, 1809, until very lately, and justifying the seizure and condemnation of all American property which had entered, not only the ports of France, but those of Spain, Naples and Holland, dating from the 20th of May, 1809; and declaring that reprisal was a right commanded by the dignity of France, a circumstance on which it was impossible to make a compromise—the letter proceeds: “Now Congress retrace their steps, they revoke the act of the first of March, the ports of America are open to French commerce, and France is no longer interdicted to the Americans. In short, Congress engages to oppose itself to that one of the belligerent powers which should refuse to acknowledge the rights of neutrals. In this new state of things, I am authorized to declare to you, sir, that the decrees of Berlin and Milan are revoked, and that after the first of November they will cease to have effect; it being understood, that in consequence of this declaration, (remark, Mr. Speaker, this declaration, not this fact,) the English shall revoke their Orders in Council, and renounce the new principles of blockade, which they have wished to establish, or that the United States, conformable to the act you have just communicated, shall cause their rights to be respected by the English”—then follows in sweet accents His Majesty's declaration of love for the Americans, his solicitude for our prosperity, and the glory of France.

This is the gilded pill, in which lurks a most

deadly venom, and which if we swallow, I fear all the political quackery of the nation cannot save us. On this letter, gentlemen rely for the revocation of the French edicts, and the freedom of our commerce with France. Allowing the most favorable construction to this letter, and abstracting it from circumstances and facts both before and after its date, it will not bear gentlemen out in their conclusion; it does not satisfy your law, and did not warrant the state of things which has been and is about to be produced. Instead of an existing and determined fact, we have a promise, and that too clogged with conditions, which it was well known to the Emperor would not or could not be complied with to the extent required by him. The conditions which depended on Great Britain, he knew, never would be yielded, and that which depended on ourselves was nothing short of war with England or our own citizens, by oppressing them with a perpetual embargo. Instead of an authenticated act of revocation, bearing the authority of the most ordinary law or edict of the French Empire, we have nothing but a letter from the agent of the Government, and which the Emperor may disavow at pleasure—as was done in the case of the Minister of Marine, in his explanations to General Armstrong of the intended operation of the Berlin decree—instead of the restoration of the immense amount of American property, of which your citizens have been most cruelly and unjustly robbed by this fell monster of the age—and which the President declared, through the Secretary of State, in letters to General Armstrong of the 5th of June and July, must precede an arrangement with France, and was an indispensable evidence of the just purpose of France towards the United States; instead of having forty or fifty millions' worth of our property restored, we are vauntingly told, that the property was confiscated as a measure of reprisal, that the principles of reprisal must be the law in that affair, and that a compromise would be inconsistent with the dignity of France—the plain English of which is, we have the property and we will keep it. Mr. Speaker, are we to be thus amused? Common honor and common sense revolt at the idea.

An honorable gentleman from South Carolina, (Mr. CHEVES,) whom I am very much inclined to respect, in an ingenious argument which he made the other day, to prove that the French decrees were revoked, told you that the *revocation* of those decrees depended on the mere *volition* of the mind of the Emperor, not requiring authentication or form; and although they might be revived the next moment, or substituted by other regulations equally affecting our neutral rights, still they were revoked. Thus attributing an authority to Bonaparte, descriptive of the power of the God of nature—when he said, let there be light and there was light. And in reply to the gentleman from Massachusetts, (Mr. QUINCY, who contended that *form* was essential to the repeal of a decree, he

remarked that the gentleman wanted *form* and not substance. From this course of reasoning, I conceive the gentleman has admitted, that this pretended revocation has neither form nor substance. An edict may be defined to be a law promulgated in such form as the institutions of the country require, or some act of sovereign authority, which has gone through the established forms of office, so as to become obligatory. The edicts of France have an appropriate form, their authority is attested by the Emperor and publicity is given, for the direction of those whose duty it is to carry them into effect. Sir, the decree of the most absolute monarch on earth is no decree till it is published. I contend that a *revocation* or modification of an edict requires the same or equal solemnities with its enactment; the *fact* must exist and be officially made known before it becomes obligatory—no declaration of an intention to revoke, can constitute an actual revocation. The act ought not only to be determined and public, but susceptible of authentication, and capable of being communicated to the nation and the world.

This opinion, if it needs authority, is supported by the instructions of the Secretary of State to our Ministers at Paris and London, of the 5th July. Mr. Pinkney is directed in these words—"If the British Government should accede to the overture contained in the act of Congress, by repealing or so modifying its edicts, as that they will cease to violate our neutral rights, you will transmit the repeal, properly authenticated, to General Armstrong, and if necessary, by a special messenger, and you will hasten to transmit it also to this Department—similar directions are given to General Armstrong."

Will it for a moment be contended, that the formal *authentication* required by the Administration, could mean a Jesuitical, insolent, equivocal, conditional letter, full of sound, and meaning nothing for our good? But, say gentlemen, the President received the evidence and issued his proclamation. This is true; but why has he done so, and how justified by the law under which alone he was authorized to act, is, to my mind, perfectly inexplicable; why, in the course of this arrangement with France, he has varied the ground which he first took—why dispensed with requisites at one time declared indispensable—why he advanced in exactions from Great Britain in proportion as he receded from demands on France, is left for himself and those who have more wisdom than myself, to determine. I trust, sir, I have a proper share of confidence in the Executive, and have no disposition to detract from his merit; but he is only man, and therefore subject to the frailties man is heir to. We have as yet no such maxim among us, as that the Executive is infallible—he can do no wrong. Whatever may be the disposition of other gentlemen, I am as yet too free, too much of a genuine *Republican* to subscribe to such a doctrine. I said, sir, that in the course of this arrangement with France, the Ad-

ministration advanced in their demands on Great Britain and receded as to France.

I argue from the documents, which accompanied the President's Message at the opening of the present session of Congress. The first letter in the documents from the Secretary of State to Mr. Pinkney, of the 30th January, 1810, does not contain a word on the subject of blockades—on the contrary, the Orders in Council are alone required to be repealed, as preparatory to a treaty with Great Britain; and the British Government are assured of the cordial disposition "of the President to exercise any power with which he may be invested, to put an end to acts of Congress which would not be resorted to but for the Orders in Council, and at the same time of his determination to put them in force against France, in case her decrees should not also be repealed."

His letter of the 4th of May, which was the first after passing the act of the 1st of May last, that enclosed a copy of that act, is not published. On the 22d of May, another letter is sent enclosing a second copy of the act of Congress, in which there is not to be found any requisition of a repeal of the blockade which is now made *a sine qua non* to an arrangement with Great Britain. But on the 2d of July, after the arrival of the John Adams, which brought the correspondence between our Ministers at Paris and London, and the Agents of the British and French Governments, on the subject of the repeal of their several orders and decrees; and when it was known that the British Government would not abandon her system of blockade and adopt the principles contended for by France—in this letter, I say, is contained not only a demand of the repeal of the Orders in Council, but also of the blockading order of May, 1806. I have already shown, from the letters before me, of the 5th June and July, that the restoration of the property of our citizens, confiscated by the order of Bonaparte, was declared by the Executive as an indispensable pre-requisite to an arrangement with the French Government. But the proclamation of the President has been issued without a cent of property being restored; nor is there the most distant prospect of our regaining a shilling from his iron grasp. Thus have the Administration changed the ground first taken, increased the demands on Great Britain, and abandoned what was deemed indispensable on the part of France.

So conscious was the President of the just expectation of the people of this country, that provision would be made for the restoration of their property, he informs Mr. Armstrong on the 2d of November, the day the proclamation was issued, that "in issuing the proclamation it has been presumed, that the requisition on the subject of the sequestered property will have been complied with." From what this presumption arose, I am at a loss to say—the letter of the Duc de Cadore to General Armstrong, of the 12th September, had been received here; we had been told there would be no compromise;

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the law of *reprisal* must govern. Sir, the law of reprisal, as recognized by the laws of nations, could never have authorized the seizure. Reprisals can only be resorted to in case of an act of hostility committed by one nation on the property or citizens of another, and after compensation for the injury has been demanded and refused; and even in that case, the property taken is to be held only in *pledge*, till satisfaction is made by the offending nation. The moment that confiscation takes place the principle of reprisal ceases and it becomes an act of war. We had done no injury to France; we had violated neither the rights of the persons or property of her subjects—no demand of indemnity was ever made; not a complaint whispered, till nearly twelve months after the passing of the law, (and after its expiration too,) which is made the pretext for this monstrous outrage. The law of reprisal had nothing to do with the affair, and the confiscation of our property excludes the idea of restoration. I confess I was astonished, and felt humbled as an American, when I heard the language of the President of the United States, in his Message to Congress at the opening of the present session on this subject. Instead of that high indignant tone, demanded by the honor and feelings of the nation, he, in the mildness of calm philosophy, says, "It was particularly anticipated that as a further evidence of just dispositions towards them, restoration would have been immediately made of the property" of our citizens, seized under a *misapplication of the principles of reprisals*, and a misconstruction of a law of the United States. This expectation has not been fulfilled. Thus the question as to the restoration seems to be abandoned; one kind, loving word from Napoleon the Great, (as he has been triumphantly called in this House,) this modern Alexander (without his virtues, with all his faults) disarms us of our rage, and we give millions for his embrace.

Mr. Speaker, the chairman of the committee (Mr. EPPES) who reported the bill, in reply to the very able speech of a gentleman from New York (Mr. EMORY) who addressed you in the early stage of this discussion, appeared to me rather to question the purity of the source from which they came, than to have answered the arguments of that gentleman. This mode of reasoning may answer the purposes of gentlemen, but is surely unfavorable to fair investigation; it tends to abridge the freedom of debate, and prevent that firm, decisive, and candid exposition of those measures, which we conceive may vitally affect the happiness of the people. This is a privilege and a duty which I shall ever regard and ever perform. The same gentleman (Mr. EPPES) and several others, have reminded us of the arrangement made with Mr. Erskine; and offer it as a precedent for the justification of the President's proclamation and this bill, (which are substantially one and the same thing.) I had supposed that that unfortunate arrangement would have been kept out of sight

by gentlemen on the other side of the House. It was to have been expected they would carefully avoid an attempt to make one bad precedent justify another; they must have forgotten how that arrangement militates against the proclamation, and the demand which is now so positively made of a revocation by Great Britain of her order of blockade of May, 1806. That arrangement, almost dictated by the Administration, and which was perfectly satisfactory to us all, did not contain one syllable, not the most distant information, relative to the repeal of that order, which now appears to excite so highly the indignation of gentlemen, and has been magnified into a cause of war. The order of blockade was at that time more recent, and if so injurious as now alleged, could not have escaped the attention of the Executive, and his vigilant Cabinet, when they were providing for the annulment of the Orders in Council of January and November, 1807. That arrangement was made without requiring a repeal of the blockade—now nothing can be done without a repeal, and thus we are to be blockaded both at home and abroad.

It may be further remarked, that by the law of February, 1808, the President was authorized to suspend the embargo as to France or Great Britain, on the same conditions pointed out by the act of May, 1810. In the exercise of that power, the President instructed Mr. Pinkney to propose to the British Government a repeal of the embargo as to that nation, and its continuation against France, if the Orders in Council of January and November, 1807, should be rescinded. At that time nothing was said, no demand was made, not even a proposition offered on the subject of the blockade in question. My attention, sir, has been somewhat drawn to this part of the subject by the importance which has been given to it in the document before me, and the arguments of gentlemen of this House, particularly the gentleman from Virginia, (Mr. EPPES,) who said much on this subject the other day, in answer to arguments which the gentleman from New York (Mr. EMORY) did not make. He reiterated last night that his arguments were unanswered and unanswerable. I do not profess, sir, to be perfectly acquainted with the practical extent of the order of blockade of May, 1806, nor do I know the precise quantum of injury we have sustained by it, nor am I to be understood as attempting its justification—I should be the last to concede any principle or any right to which my country has a claim. But, sir, I am compelled to believe, that an artificial importance is at this moment given to the subject, which it has not received at any other period since the adoption of that regulation by the British Government. I have already shown that, in the negotiation of 1808, and in the arrangement with Mr. Erskine, the question was not even made a matter of contestation; and, sir, from an examination of the Executive papers, from the date of the order of the blockade, down to the present session of

Congress, I have not been able to discover a single paper remonstrating against the order, or insisting on its revocation, nor do I know of a single case of the condemnation of an American vessel under its operation. On the contrary, at the time of its adoption, (during the administration of Mr. Fox, who was believed to be as friendly disposed towards us, as any man who ever administered the affairs of the British Cabinet,) this measure was spoken of by our Minister at London (Mr. Monroe) as a relaxation favorable to neutral commerce. It may not be improper to refer to the order itself, as communicated by Mr. Fox to Mr. Monroe, on the 16th of May, 1806; after the preamble this note states "that the King, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that necessary measures should be taken for the blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers, and ports, are, and must be considered, as blockaded. But His Majesty is pleased to declare, that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of His Majesty's enemies, and not being contraband of war, from approaching the said coasts and entering into and sailing from the rivers and ports, (save and except the coast, rivers, and ports, from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as continued,) provided the said ships and vessels so approaching and entering (except as aforesaid,) shall not have been laden at any port belonging to, or in possession of, His Majesty's enemies, and that the said ships and vessels so sailing from the said rivers and ports, (except as aforesaid) shall not be destined to any port belonging to, or in possession of His Majesty's enemies, nor have previously broken the blockade." This order, then, only excludes from those ports vessels having enemies' property on board or articles contraband of war, in both of which cases they are liable to seizure by the law of nations, at least it has been long contended for on the part of Britain; it also prevents the direct carrying trade from one port to another of an enemy. If this latter extension is not recognized by the law of nations, it is generally the subject of treaty, and was provided for by our treaty with the British Government, and the late convention formed by Mr. Monroe with the British Government, but which was rejected principally because Great Britain required us not to submit to the Berlin decree—a requisition, sir, infinitely short of what we are now to comply with, at the dictation of France—by which colonial produce was required to be relanded in the United States before it would be admitted into the ports of the continent. By this order, *bona fide* neutral vessels, with neutral pro-

duce, sailing from our own country, never were affected.

The gentleman from Virginia (Mr. Errin) has said this order of blockade has not a single feature of a regular blockade; in this, the gentleman is tolerably correct, and when he denounces, what in the fashionable cant of the day are called paper blockades, I join most heartily in the execration. It is true this order of May, 1806, has scarcely a feature of a regular blockade. It was not avowed at the time to be even a constructive blockade, nor was the right contended for of blockading without an actual investing force. It does not, like ordinary blockades, attempt a complete prohibition to all trade with those ports, but only to the particular objects and specified cases which I have mentioned. The previous measures of France are declared by Mr. Fox to be the cause of this order. What were those measures? They were no less, as regards ourselves, than a violation of the treaty which had been solemnly entered into between this country and France; by harassing our trade, seizing and confiscating our vessels in pursuing the commerce guaranteed to us by that treaty; she had usurped authority in almost every port and city from Elbe to Brest, and excluded the introduction of British products and merchandise, whether belonging to American citizens or British subjects.

Now, sir, let me state to you the language of our Minister (Mr. Monroe) at the time this order was issued. In his letter of the 17th of May, to the Secretary of State, speaking of the order, he says, "the note is couched in terms of restraint, and professes to extend the blockade further than it has heretofore done, nevertheless it takes it from many ports already blockaded, indeed all east of Ostend and west of the Seine, except in articles contraband of war and enemy's property, which are seizable without blockade; and in like form of exception, considering every enemy as one power, it admits the trade of neutrals within the same limits to be free, in the productions of enemy's colonies, in every but the direct route between the colony and parent country.

"It cannot be doubted but the note was drawn by the Government in reference to the question, and if intended by the Cabinet as a foundation on which Mr. Fox is authorized to form a treaty, and obtained by him for the purpose, it must be viewed in a very favorable light; it seems clearly to put an end to further seizures, on the principle which has heretofore been in contestation." This view of the subject, which surely is a fair one connected with the silence of the Administration for four years, must put an end to the clamor so often raised against this order, which has been the alleged cause of the Berlin decree, and charge against Great Britain, of having been the first aggressor on our neutral rights. Sir, we have indeed been insulted, injured, and abused by both nations, to an extent which would justify any

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measures in our power, but let us not palliate the crimes of one, and magnify those of the other; and, above all, let us not whip ourselves because they will not respect us; let us not become so Quixotic, as to act the part of a famous knight in the tales of chivalry, who tortured himself because his mistress would not be kind.

Mr. Speaker, as the arrangement with Mr. Erskine has been often mentioned, and much relied on by the advocates of this bill, it deserves some further notice. That arrangement was the first act of the present Executive, after he came into office; it was presumed to have been fairly and properly made—it was hailed as a political jubilee by all denominations of politicians—particularly those who had not contributed to the elevation of the present Chief Magistrate; we thought we perceived in that event the evidence of a disposition in the present Executive (which we could not discover in his predecessor) to relieve this country from that system of commercial restriction, that self-destroying policy, which had made us poor indeed; we also thought a determination was manifested not to decline any advantageous accommodation with Great Britain, whether France said yea or nay. It will be but too well remembered that we had been groaning for two years under the pressure of non-importation, embargo, and non-intercourse—your treasury was drained, your citizens unable to pay their debts, and your courts of justice actually shut up, at least so far in many States (and among the rest the State which I have the honor in part to represent) as to suspend the effect of executions; your cities and seaports were inactive or deserted; gloom and dismay marked the features of the nation, and hope had almost bid us farewell; we fancied in this arrangement the glimmerings of returning sunshine, peace, and prosperity: with honest and upright hearts, we were willing to applaud the hand that gave it, without questioning or suspecting the manner or motives with which it was given. The delusion soon vanished; and I have no hesitation to declare, had I then known what I now know, I should have not offered such unqualified applause.

Mr. Speaker, let us make a very strange and very false supposition, that the Berlin and Milan decrees were actually repealed, and did cease to have effect on the first of November. What have we gained? What advantage have we derived from it? And have we not been officially informed by the French Minister in this city (General Turreau) in his letter to the Secretary of State, of the 15th December, 1810, that our most valuable productions, particularly of the Southern States, are at this moment excluded from the ports of France? As to the important articles, cotton and tobacco, he says: "their importation into France is at this moment especially prohibited, but I have reasons to believe (and I pray you meanwhile to observe, sir, they do not rest on any facts) that

some modifications will be given to this absolute exclusion. These modifications will not depend on the chance of events, but will be the result of other measures, firm and pursued with perseverance, which the two Governments will continue to adopt to withdraw from the monopoly and from the vexations of the common enemy a commerce loyal and necessary to France as well as the United States." In this letter we find the touchstone, the true clue to French favor—war with England. Connected with this letter from Turreau, is a decree of the 16th July, 1810, which, in point of principle and arrogance, is not surpassed by any act in the history of Bonaparte. By this decree thirty or forty American vessels may import into France, under license, cotton, fish, oil, dye-wood, salt-fish, cod-fish, and peltry; they must export wine, brandy, silks, linens, cloths, jewelry, household furniture, and other manufactured articles; they can only depart from Charleston and New York, under the obligation of bringing with them a gazette of the day of their departure, also a certificate of the origin of the merchandise, given by the French Consul, containing a sentence in cypher. The French merchants who shall cause their vessels to come, must prove that they are concerned in the fabrics of Paris, Rouen, and other towns. Here is an attempt to extend French influence by bribing a select class of our merchants; granting favors to favorites. It is an attempt to make commercial regulations in our own ports, and to violate our constitution, by giving a preference to the ports of Charleston and New York, over all the rest in the United States, which is specially denied by the constitution. In addition to all this, we have a list of duties established at the French custom-house on the 5th August (the very day on which twenty or thirty American vessels and cargoes were sold and the proceeds given over to Bonaparte—the very memorable 5th August, the birthday of the celebrated letter of the Duc de Cadore) subjecting long staple cotton to a tariff of eighty cents per pound, short staple sixty cents, and tobacco forty cents per pound. By another decree of the 12th September, 1810, potash is taxed at one dollar twenty-five cents, cod-fish two dollars, rice four dollars per hundred—thus are we loved, favored, and taxed.

There can be no importation of American productions into France but on terms utterly inadmissible. The act of May last, in the language of the Secretary of State, had for its object not merely the recognition of a "speculative," legitimate principle, but the enjoyment of a substantial benefit. The overture then presented obviously embraced the idea of commercial advantage, it included the reasonable belief, that an abrogation of the Berlin and Milan decrees would leave the ports of France as free for the introduction of the produce of the United States, as they were previously to the promulgation of the decrees. If, then, for the revoked decrees, municipal laws, producing

the same effect have been substituted, the mode only and not the measure has undergone an alteration. If France, by her own acts, has blocked up her ports against the introduction of the products of the United States, what motive has the Government in a discussion with a third power, to insist on the privilege of going to France? Whence the inducement to urge the annulment of a blockade of France, when, if annulled, no American cargoes would obtain a market in any of her ports? In such a state of things, a blockade of the coast of France would be to the United States as unimportant as would the blockade of the Caspian Sea. This is the language of truth and common sense, language which I did not very much expect to hear from the Secretary at this time; because it exposes the proclamation of the President, and condemns the present bill. But truth, like murder, will out, and it ought to strike dumb the advocates of this bill, and open their eyes to a different policy. But, sir, going on to the supposition that the French decrees are actually repealed, and cease to have effect, pursuing the principle about to be established of taking words for deeds, and form for substance, what is to become of the promise of Lord Wellesley to Mr. Pinkney, of the 31st of August, 1810, when he states that he is commanded by his Majesty to repeat the declaration made to this Government in February, 1808, of his Majesty's desire to see the commerce of the world restored to that freedom which is necessary for its prosperity, and his readiness to abandon the system which had been forced upon him, whenever the enemy should retract the principles which had rendered it necessary; and to assure us that whenever the repeal of the French decrees shall have actually taken effect, and the commerce of the neutral nations shall have been restored to the condition in which it stood previously to the promulgation of those decrees, he will feel the highest satisfaction in relinquishing a system which the conduct of the enemy compelled him to adopt. Here is a promise equally solemn, (and as there is at least as much virtue in the British Government as there is in that of France,) as much to be relied on as that of the Duc de Cadore; and as certainly as the Berlin and Milan decrees were revoked, and would cease to have effect on the first of November, so certainly have we the same assurance that the orders of Great Britain would be rescinded. Shall we then believe the one and not the other? Shall we frown and look big at England, while, with timid and abject submission, we crouch at the feet of France, and quietly rivet the chains prepared for us? Mr. Speaker, the goddess of justice has been described as being blind, with sword in one hand, and the scale and balance in the other, but if she is invoked in this measure, she comes blind indeed, with a sword in one hand, but no balance in the other; in one hand is the emblem of war, in the other the badge of slavery.

If war with England must happen, let it be done openly and for ourselves; let us not commence the attack by practising on our own citizens; and let it not be said we have been caught in the snares of Bonaparte. Mr. Speaker, I do not oppose this bill because it professes to give some relief to those merchants whose vessels sailed before the date of the proclamation, and which may have departed from a British port, prior to the 2d of February, 1811, but, sir, because I wish to rid the country of this whole consumptive system; and, if that cannot be done, I will not aid in propping up the President's proclamation, by taking from the judiciary of the country the power of deciding on its validity, which is one of the avowed objects of this bill. I had rather trust to the opinion of the judges for entire relief to our citizens, from the operation of the law of May, 1810, than grant the partial exemption contemplated by this bill. The honorable gentleman (Mr. Ervins) who reported this bill, declares that its great object is to prevent questions arising in the courts, on the construction of the law of May, 1810, and the effect of the President's proclamation. This, to my understanding, is legislating retrospectively; it is *ex post facto*; and, like the Rambouillet decrees, is not only prospective, but retroactive. It takes from our citizens the right of appealing to the courts of justice, and makes the fiat of the Executive the supreme law—a doctrine subversive of the first principles of republicanism, and strange to be advocated by gentlemen who came into power under the name of republicans.

It is in vain, Mr. Speaker, to seek for the justification of this measure from any thing France has done, or from the indications which she has given of her fixed course of policy. Her great object is the destruction of the commerce of the world; and she wishes to make us tributary to that end, and, if possible, to embroil us in a war with England.

The disposition of Bonaparte towards us rests not alone on his acts of aggression, rapine, and plunder; the imprisonment of our citizens, the burning and sequestration of our property. He has heaped upon this devoted country all the epithets which malice could suggest or tyranny dictate; he has exhausted the cup of bitterness, and made us drink the dregs of humiliation; he has declared his decrees should suffer no change, and that the Americans should take the positive character of allies or enemies. As long ago as the 15th of January, 1808, he issued a declaration of war for us against Great Britain; an unconditional surrender of your rights is demanded, or an obedience to his dictates. And are we not in the act of yielding obedience? Sir, the nation which pretends to dictate laws to another offers chains. With more than Christian charity do we seem to forget and forgive the indignities offered to our national character; and the unkind, the severest cut of all to the present Administration, contained in the letter of the Duc de Cadore to General Arm-



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strong, of the 17th of February, 1810, in which we are told that His Majesty could place no reliance on the proceedings of the United States. We are advised to tear to pieces the act of our independence; declared to be more abject than the slaves of Jamaica; that we are men without honor, energy, or just political views; that we will be obliged to fight for interest, after having refused to fight for honor. Our present rulers are there contrasted with the brave and generous heroes of our Revolution, and they are declared to be fit for the yoke which had been thrown off by their ancestors. This letter had scarcely reached our shores, the ink was scarcely dry, it was fresh in our memories, when the letter of the 5th of August was received; which, like a Lethæan draught, threw the shade of oblivion over our insults and our wrongs; we sipped the poison as it fell, and I fear it is fast spreading through the body politic.

Mr. Speaker, I turn with disgust from those polluted pages before me—this history of our wrongs, this tyrant's love—would to God they could be blotted from our memories; or, if remembered, let it be with abhorrence and detestation.

I deprecate the course of policy, if policy it may be termed, which is now about to be forced upon us. I protest against it as a measure injurious to ourselves; weak, temporizing, and partial in its operation on foreign nations; unauthorized by the actual state of things; and calculated to hasten the period of our union with the destinies of France.

Sir, unless we turn from this wayward course, this highway to ruin, the time cannot be very distant when your deserted ports, your uninhabited cities, your oppressed people, and even your firesides and your altars, will only exhibit the sad signs of what they were. And I fear, sir, the period is fast approaching when it will not again be said, "that we are a people with whom the fierce spirit of liberty is stronger than among any other people on earth; whose institutions inspire them with lofty sentiments; who do not judge of an ill principle only by an actual grievance; but who anticipate the evil, and judge of the pressure of the grievance by the badness of the principle; who snuff the approach of tyranny in every tainted breeze."

When Mr. P. had concluded, the House adjourned to six o'clock this evening.

#### *Six o'clock, P. M.*

The House was called to order, and resumed the unfinished business.

A motion was made by Mr. RANDOLPH to postpone the subject to Friday next, and lost—ayes 36, noes 86.

A motion was then made by Mr. R. to postpone it until to-morrow.

On this motion a debate, which from its nature caused irritation, took place, in which Messrs. RANDOLPH and EPPES were the principal speakers.

Much warmth was excited, and frequent calls to order made.

The question on postponement till to-morrow was decided by yeas and nays. For postponement, 44; against it, 74.

Mr. Pitkin spoke more than an hour against the bill generally, and in support of the particular proposition which he was about to make. He contended that the Emperor of France had not fulfilled his engagement to the United States, inasmuch as the decrees, if revoked, which he denied, had not been revoked on the day on which he had engaged to revoke them. He quoted the history of the connection of Spain with France as evidence of the perfidy of Bonaparte, from whom, he said, no compliance with his promises could be expected, &c. In supporting his amendment, Mr. P. contended for its beneficial effects to our merchants: and it would not, he said, be more a breach of our contract with France than the first section of the bill now before the House. The one was, in fact, as much a departure from the engagement with France as the other. The following was the amendment offered by Mr. PITKIN:

*Provided, also,* That nothing in this act, or the act to which this is a supplement, shall be construed to affect any vessels owned wholly by a citizen or citizens of the United States, or the cargoes of any such vessels which shall have cleared out from any port in the West Indies within — days after the 2d of February, 1811.

The yeas and nays on the motion were, 46 yeas; 58 nays.

Mr. MAOON addressed the Chair on the merits of the bill at some length. He believed the President to have been justified in issuing his proclamation by the Duc de Cadore's letter; but as subsequent information had been received from France, the question appeared to him to resolve itself into this: Was the sequestration of our vessels from the 1st November to the 2d of February a violation of our neutral rights or not? Had the decrees been so modified, under present circumstances, as that they had ceased to violate our neutral commerce? He conceived not, and should therefore vote against the bill. He deprecated the course of debate, and the irritation which prevailed in the House, as tending to bring this body into disrepute, &c.

Mr. P. B. PORTER then said that, for the purpose of coming to a decision on the bill, and putting an end to a scene which was, to say the least of it, disreputable to the House, he moved for the previous question on engrossing the bill.

The previous question was taken and decided in the affirmative, and the bill ordered to a third reading—65 to 9.

The bill was then read a third time.

The previous question was required on its passage, and carried in the affirmative.

Mr. RANDOLPH twice successively moved an adjournment. Motions negatived; the first 65 to 10, the second 66 to 8.

The question on the passage of the bill was then decided in the affirmative—yeas 64, nays 12, as follows:

**YEAS.**—Lemuel J. Alston, Willis Alston, jun., William Anderson, David Bard, William T. Barry, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Richard Cutts, Joseph Desha, John W. Epes, William Findlay, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, Thomas Kenan, John Love, Aaron Lyle, Samuel McKee, William McKinley, Pleasant M. Miller, Samuel L. Mitchell, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thos. Newbold, Thos. Newton, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Samuel Ringgold, Erastus Root, Ebenezer Sage, John A. Scudder, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, Geo. Smith, John Smith, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, and Robert Witherspoon.

**NAYS.**—Abijah Bigelow, Barent Gardenier, Richard Jackson, jr., William Kennedy, Nathaniel Macon, Eliasa R. Potter, John Randolph, Richard Stanford, Jacob Swoope, Archibald Van Horne, Laban Wheaton, and Ezekiel Whitman.

The House then adjourned to meet again at one o'clock.

The following is the bill as it passed this House:

A Bill supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

*Be it enacted, &c.,* That no vessel, owned wholly by a citizen or citizens of the United States, which shall have departed from a British port, prior to the 2d day of February, 1811, and no merchandise owned wholly by a citizen or citizens of the United States, imported in such vessel, shall be liable to seizure or forfeiture on account of any infraction or presumed infraction of the provisions of the act to which this act is a supplement.

**SEC. 2.** *And be it further enacted,* That, in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification in any suit or prosecution which may be instituted under the fourth section of the act to which this act is a supplement. And the restrictions imposed, or which may be imposed, by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued.

**SEC. 3.** *And be it further enacted,* That, until the proclamation aforesaid shall have been issued, the several provisions of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," shall have full force and be immediately carried into effect against Britain, her colo-

nies, and dependencies: *Provided, however,* That any vessel or merchandise which may, in pursuance thereof, be seized, prior to the fact being ascertained, whether Great Britain shall, on or before the second day of February, one thousand eight hundred and eleven, have revoked or modified her edicts in the manner above mentioned, shall, nevertheless, be restored, on application of the parties, on their giving bond with approved sureties to the United States, in a sum equal to the value thereof, to abide the decision of the proper court of the United States thereon; and any such bond shall be considered as satisfied if Great Britain shall, on or before the second day of February, one thousand eight hundred and eleven, have revoked or modified her edicts in the manner above mentioned: *Provided, also,* That nothing herein contained shall be construed to affect any ships or vessels, or the cargoes of ships or vessels, wholly owned by a citizen or citizens of the United States, which had cleared out for the Cape of Good Hope, or for any port beyond the same, prior to the tenth of November, one thousand eight hundred and ten.

SATURDAY, March 2.

#### *Bank of the United States.*

Mr. P. B. PORTER, from the committee to whom was referred, on the twenty-fifth ultimo, the memorial of the Stockholders of the Bank of the United States, made the following report, which was read:

"The committee to whom was referred the memorial of the Stockholders of the Bank of the United States, report:

"That they have carefully examined the various matters set forth in the said memorial, and attentively listened to the representations of the gentlemen who have appeared in behalf of the said petitioners. The object of the memorialists is to obtain extension of their corporate powers beyond the period limited for the expiration of their charter, so as to enable them to prosecute for their debts, and to arrange, liquidate, and close the various concerns of the company.

"The committee are of opinion that a law of Congress, granting the powers prayed for, would facilitate the final adjustment of the affairs of the bank, although they do not think such a law indispensable to that object. But believing, as your committee do, that, in granting the original charter to the stockholders, Congress transcended the legitimate powers of the constitution; the same objection now presents itself to the extension of any of their corporate capacities.

"If the committee had time to go into the investigation, and to present to the House the various reasons which have conducted to this opinion, it would be more than useless to divert its attention from the important concerns of the nation, at this late period of the session, to a subject which, but a few days since, was so fully and elaborately discussed.

"They therefore beg leave to introduce the following resolution:

*Resolved,* That the prayer of the memorialists ought not to be granted."

The House agreed to meet to-morrow, (being Sunday.)

The House then adjourned to six o'clock this evening.

MARCH, 1811.]

Adjournment.

[H. OF R.]

March 2—6 o'clock, p. m.

*Adjournment.*

On motion of Mr. SMILE,

*Resolved*, That the thanks of this House be presented to JOSEPH B. VARNUM, in testimony of their approbation of his conduct in the discharge of the arduous and important duties assigned to him while in the Chair.

The SPEAKER then made his acknowledgments to the House in the following words:

*Gentlemen of the House of Representatives :*

I acknowledge, with grateful sensibility, the aid you have afforded me in the discharge of the duties

of Speaker. Your approbation of my conduct in the important office you have been pleased to assign me, affords me very great consolation; and permit me to assure you, gentlemen, that you have my most ardent wishes for your individual prosperity and happiness.

At this moment, Mr. GARLAND, from the committee appointed for the purpose, reported that they had waited on the President and informed him that they proposed to adjourn, and had received for answer that he had no further communication to make.

A message was received from the Senate, and reciprocated, that they were about to adjourn; a motion was then made to adjourn, and carried.

## TWELFTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, NOVEMBER 4, 1811.

### PROCEEDINGS IN THE SENATE.\*

MONDAY, November 4, 1811.

The first session of the Twelfth Congress commenced this day at the city of Washington, conformably to the proclamation of the President of the United States, of the 24th of July last, and the Senate assembled in their Chamber.

#### PRESENT :

GEORGE CLINTON, Vice President of the United States and President of the Senate.

NICHOLAS GILMAN and CHARLES CUTTS, from New Hampshire.

CHAUNCEY GOODRICH and SAMUEL W. DANA, from Connecticut.

STEPHEN R. BRADLEY, from Vermont.

JOHN SMITH and OBADIAH GERMAN, from New York.

JOHN CONDIT and JOHN LAMBERT, from New Jersey.

ANDREW GREGG and MICHAEL LEIB, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH and PHILIP REED, from Maryland.

WILLIAM B. GILES, from Virginia.

JESSE FRANKLIN, from North Carolina.

JOHN GAILLARD and JOHN TAYLOR, from South Carolina.

WILLIAM H. CRAWFORD and CHARLES TAIT, from Georgia.

JOHN POPE, from Kentucky.

JOSEPH ANDERSON, from Tennessee.

THOMAS WORTHINGTON, from Ohio.

GEORGE M. BIBB, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last; GEORGE W. CAMPBELL, appointed

a Senator by the Legislature of the State of Tennessee, in place of Jenkin Whiteside, resigned; JEREMIAH B. HOWELL, appointed a Senator, for the term of six years, commencing on the fourth day of March last, by the Legislature of the State of Rhode Island and Providence Plantations; JOSEPH B. VARNUM, appointed a Senator by the Legislature of the State of Massachusetts, for the term of six years, commencing on the fourth day of March last; respectively produced their credentials, which were read, and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. CONDIT, CRAWFORD, GILES, GILMAN, and TAYLOR, their credentials having been read and filed during the last session.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have elected HENRY CLAY, Esq., one of the Representatives from the State of Kentucky, their Speaker, and are ready to proceed to business. They have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. AR-

#### \* LIST OF MEMBERS OF THE SENATE.

*New Hampshire*.—Nicholas Gilman, Charles Cutts.

*Massachusetts*.—Joseph B. Varnum, James Lloyd.

*Rhode Island*.—Jeremiah B. Howell, William Hunter.

*Connecticut*.—Chauncey Goodrich, Samuel W. Dana.

*Vermont*.—Stephen R. Bradley, Jonathan Robinson.

*New York*.—John Smith, Obadiah German.

*New Jersey*.—John Condit, John Lambert.

*Pennsylvania*.—Andrew Gregg, Michael Leib.

*Delaware*.—Outerbridge Horsey, James A. Bayard.

*Maryland*.—Samuel Smith, Philip Reed.

*Virginia*.—William B. Giles, Richard Brent.

*North Carolina*.—Jesse Franklin, James Turner.

*South Carolina*.—John Gaillard, John Taylor.

*Georgia*.—William H. Crawford, Charles Tait.

*Kentucky*.—John Pope, George M. Bibb.

*Tennessee*.—Joseph Anderson, George W. Campbell.

*Ohio*.—Thomas Worthington, Alexander Campbell.

NOVEMBER, 1811.]

President's Annual Message.

[SENATE.]

DERSON and GAILLARD were appointed the committee.

The Senate then adjourned.

TUESDAY, November 5.

RICHARD BRENT, from the State of Virginia, attended.

*Annual Message.*

The following Message was received from the  
PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate  
and House of Representatives:*

In calling you together sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent powers towards this country, which might the more unite the National Councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to repeal its Orders in Council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the Orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British Envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British Government, was denied to have taken place, it was an indispensable condition of the repeal of the British Orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy; the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared that a communication to the British Government, of fresh evidence of the repeal of the French decrees against our neutral trade, was followed by an intimation that it had been transmitted to the British Plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hitherto, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British Cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed, in the mean time, in adapting our measures to the views which have been disclosed through that Minister, will best consult our whole duty.

In the friendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts, and the mouths of our harbors, have again witnessed scenes not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry, requested by Captain Rodgers, are communicated, together with the correspondence relating to the occurrence between the Secretary of State and His Britannic Majesty's Envoy. To these are added the several correspondences which have passed on the subject of the British Orders in Council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.

The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were, nevertheless, founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected; and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects, our Minister Plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you, and by ascertaining the ulterior policy of the French Government towards the United States, will enable you to adapt to it that of the United States towards France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce in the Councils of that nation also. And the information from our special Minister to Denmark, shows that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the Executive department in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gunboats have, in particular harbors, been ordered into use. The ships of war before in

commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast. And such a disposition has been made of our land forces, as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana Territory, and marched towards our North-western frontier. This measure was made requisite by the several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add that the period is arrived which claims from the Legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts, on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence, we have seen that the British Cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which, in every event, will form a valuable and frugal part of our Military Establishment.

The manufacture of cannon and small arms has proceeded with due success; and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the Southern portion of our hemisphere, and extend into our neighborhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national Councils an obligation to take a deep interest in their destinies, to cherish reciprocal

sentiments of good will, to regard the progress of events, and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free Governments, where the laws being made by all for the good of all, a fraud is committed on every individual as well as on the State, attains its utmost guilt when it blends, with a pursuit of ignominious gain, a treacherous subversivity in the transgressors to a foreign policy, adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign Governments for a trade unlawfully interdicted by them to other American citizens; or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance, by our citizens, of special licenses to be used in a trade with the United States; and against the admission into particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation the fair extent of which it is at present abridged by the unequal regulations of foreign Governments.

Besides the reasonableness of saving our manufacturers from sacrifices which a change of circumstances might bring on them, the national interest requires that, with respect to such articles at least as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign Governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupation for the service of their country in times of danger, must be diminished.

The receipts into the Treasury during the year ending on the thirtieth of September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be

DECEMBER, 1811.]

Proceedings.

[SENATE.]

taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration the propriety of insuring a sufficiency of annual revenue, at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed in vindicating its rights and advancing its welfare.

JAMES MADISON.

WASHINGTON, November 5, 1811.

WEDNESDAY, November 6.

JAMES LLOYD, from the State of Massachusetts, took his seat in the Senate.

FRIDAY, November 8.

On motion, by Mr. SMITH, of Maryland,  
*Resolved*, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate, and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session and for twenty days after.

MONDAY, November 11.

JAMES TURNER, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the 4th day of March last, produced his credentials; which were read, and the oath prescribed by law was administered to him, and he took his seat in the Senate.

TUESDAY, November 12.

ALEXANDER CAMPBELL, from the State of Ohio, took his seat in the Senate.

THURSDAY, November 14.

*Reparation for the attack on the frigate Chesapeake.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of Representatives of the United States:*

I communicate to Congress copies of a correspondence between the Envoy Extraordinary and Minister Plenipotentiary of Great Britain and the Secretary of State, relative to the aggressions committed by a British ship of war on the United States frigate Chesapeake, by which it will be seen that that subject of difference between the two countries is terminated by an offer of reparation, which has been acceded to.

JAMES MADISON.

WASHINGTON, Nov. 13, 1811.

The Message and papers therein referred to were read, and ordered to lie on the table.

FRIDAY, November 22.

JONATHAN ROBINSON, from the State of Vermont, took his seat in the Senate.

MONDAY, November 25.

WILLIAM HUNTER, appointed a Senator by the Legislature of the State of Rhode Island and Providence Plantations, in place of Christopher Grant Champlin, resigned, produced his credentials, was qualified, and took his seat in the Senate.

FRIDAY, November 29.

The oath prescribed by law was administered to Mr. BAYARD, his credentials having been read and filed during the last session.

THURSDAY, December 19.

*Battle of Tippecanoe.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of Representatives of the United States:*

I lay before Congress two letters received from Governor Harrison, of the Indiana Territory, reporting the particulars and the issue of the expedition under his command, of which notice was taken in my communication of November 5th.

While it is deeply lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see, with satisfaction, the dauntless spirit and fortitude victoriously displayed by every description of the troops engaged, as well as the collected firmness which distinguished their commander, on an occasion requiring the utmost exertions of valor and discipline.

It may reasonably be expected that the good effects of this critical defeat and dispersion of a combination of savages, which appears to have been spreading to a greater extent, will be experienced not only in a cessation of the murders and depredations committed on our frontier, but in the prevention of any hostile incursions otherwise to have been apprehended.

The families of those brave and patriotic citizens who have fallen in this severe conflict, will doubtless engage the favorable attention of Congress.

JAMES MADISON.

WASHINGTON, Dec. 18, 1811.

The Message and letters referred to were read, and ordered to lie on the table.

FRIDAY, December 20.

Mr. GILMAN, from the committee, reported the bill to raise, for a limited time, an additional military force, correctly engrossed; and the bill was read the third time, and the blanks filled. On the question, Shall this bill pass? it was determined in the affirmative—yeas 26, nays 4, as follows:

SENATE.]

*Hostile Policy of Great Britain.*

[JANUARY, 1812.]

YEAS.—Messrs. Anderson, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, German, Gilman, Gregg, Horsey, Howell, Leib, Lloyd, Pope, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Dana, Goodrich, Hunter, and Lambert.

*Rangers for the Frontier.*

The Senate resumed, as in Committee of the Whole, the bill authorizing the President of the United States to raise certain companies of spies or rangers for the protection of the frontier of the United States; and the bill was amended; and the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

TUESDAY, December 24.

*Hudson River and Lake Ontario Canal.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I communicate to Congress copies of an act of the Legislature of New York, relating to a canal from the great Lakes to Hudson's River. In making the communication, I consult the respect due to that State in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is not less certain, that scarcely any country offers more extensive opportunities for that branch of improvements than the United States; and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise, and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance; and suggest to their consideration whatever steps may be proper, on their part, towards its introduction and accomplishment. As some of those advantages have an intimate connection with arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in the strongest lights.

JAMES MADISON.

WASHINGTON, December 23, 1811.

The Message and documents therein referred to were read; and referred to the committee last mentioned, to consider and report thereon.

FRIDAY, December 27.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I lay before Congress copies of resolutions entered into by the Legislature of Pennsylvania, which have been transmitted to me, with that view, by the Gov-

ernor of that State, in pursuance of one of the said resolutions.

JAMES MADISON.

WASHINGTON, December 27, 1811.

*Oliver Evans' claim for different applications of Steam Power.*

Mr. LEIB presented the memorial of Oliver Evans, stating that the memorialist verily believes himself to be the original proposer of steam-boats and steam-wagons in the United States, (Doctor Franklin only excepted;) and that he conceives his patent, dated February 14, 1804, secured to him the right to use his engine for boats, mills, and land carriages, and praying to be left in full possession of those rights, for reasons stated at large in the memorial; which was read, and ordered to lie on the table.

MONDAY, December 30.

*Burning of the Richmond, Va., Theatre.*

Mr. BRADLEY submitted the following motion for consideration:

*Resolved*, That the members of this House will wear crape on the left arm for one month, in testimony of the national respect and sorrow for the unfortunate persons who perished in the city of Richmond, in Virginia, on the night of the 26th of the present month.

TUESDAY, December 31.

Mr. BRADLEY called up the motion made yesterday on the subject; and, on his motion, it was amended and agreed to as follows:

*Resolved*, That the members of this House will wear crape on the left arm for one month, in testimony of the condolence and sorrow of the Senate for the calamitous event by which the Chief Magistrate of the State of Virginia, and so many of her citizens, perished by fire, in the city of Richmond, on the night of the 26th of the present month.

THURSDAY, January 16, 1812.

*Hostile policy of Great Britain.*

The following message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I communicate to Congress a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain to the Secretary of State, with the answer of the latter.

The continued evidence afforded in this correspondence, of the hostile policy of the British Government against our national rights, strengthens the considerations recommending and urging the preparation of adequate means for maintaining them.

JAMES MADISON.

WASHINGTON, January 16, 1812.

The Message and documents enclosed were read, and referred to the committee to whom was referred, on the 8th of November last, so much of the Message of the President of the



FEBRUARY, 1812.]

*Increase of the Navy.*

[SENATE.]

United States as concerns the relations between the United States and France and Great Britain, to consider and report thereon; and five hundred copies thereof ordered to be printed for the use of the Senate.

FRIDAY, JANUARY 17.

*Incorporation of a Mining Company in Upper Louisiana.*

Mr. BRADLEY, from the committee appointed on the petition of Moses Austin and John R. Jones, reported a bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company; and the bill was read, and passed to the second reading.

WEDNESDAY, JANUARY 29.

The bill establishing a land office was read the second time.

*Additional Military Force.*

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," together with the amendments reported thereto by the select committee.

Mr. GILES rose and opposed at length the bill as it came from the House, reserving to himself the privilege of acting on the proposed amendment according to the result of further reflections. He believed the bill would be productive of no practical efficacy. It proposed a force which could not be raised; and if raised, from the short period of its service, in the event of serious hostilities, would be utterly incompetent to effect the objects of those hostilities. The bill would be inoperative, because, in the States of Massachusetts and Vermont, (and he presumed in other States,) no power or provision existed by which these volunteers could be commissioned, so as to perform the contemplated service; and if the Government were deprived of the volunteers in Massachusetts and Vermont, he did not know where they could obtain volunteers for the object which he believed all branches of the Government had in view. He presumed that the system of volunteers was the favorite system of the Government; and this he inferred from their having recommended to the other House the raising of ten thousand regulars only, and from the Message of the President, sent in after both Houses had passed the bill for raising twenty-five thousand regulars, and communicating the correspondence between Mr. Foster and Mr. Monroe, as a ground for urging Congress to persevere in the preparations they were engaged in making. The President must, therefore, have deemed a volunteer force essential for the contemplated service. And here he observed he thought, if his correspondence with the British Envoy, which afforded evidence of "continued hostil-

ity" towards us, furnished matter of sufficient importance to press upon Congress the utility of hastening their measures of preparation, that the other business of the Department of State might have been allowed to repose long enough for a reply to have been made to Mr. Foster, before nearly a month had elapsed after the date of his letter. He did not advert to this circumstance from any want of respect to this Government: he should always treat them with the highest respect. He should prefer the reduction of the number of the volunteers to twenty-five thousand, rather than the retention of the fifty thousand, because it would increase the momentum of actual force, and decrease the expenses, about which so much has been said. Surely, he said, he did not mean that it would not increase the momentum of force proposed by the other House, but that proposed by the Executive. The Executive had asked for ten thousand regulars, and fifty thousand volunteers—in all, sixty thousand men. The other House had agreed to give him eighty-five thousand. The proposed amendment would, therefore, bring the quantum of force down nearly to the Executive requisition. But the bill proposed a force which would be utterly inefficient, as all other volunteer bills had been. The returns under the thirty thousand volunteer law, passed two or three years ago, were so few, that the Secretary of War did not register them. He asked, how efficient could that species of force be, of which the Chief Magistrate did not think it worth while to have a record kept? It was only a formidable display of armies on paper—a tender of services—which only produced very handsome replies from the President. He did not censure the Secretary of War or the President; very far from it; the defect had been in the law. He begged gentlemen to look seriously at the subject. If a war should ensue, it must be a serious one. The responsibility attached to Congress of placing an adequate force in the hands of the President for the war. But if they passed a law which would give the President only a nominal force, totally incompetent to effect any desirable object, he, for one, should be unwilling to take any share of responsibility on himself.

THURSDAY, FEBRUARY 27.

*Increase of the Navy.*

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act concerning the Naval Establishment," together with the amendments reported thereto by the select committee.

Mr. LLOYD.—Mr. President, the amendments proposed by the committee to whom this bill has been referred, having been gone through with, I now beg leave to offer a new one, by an additional section to the following effect:

"Be it further enacted, That the President of the United States be, and he hereby is, authorized to cause to be built as speedily as may be, on the most approv-

ed model, — frigates, not exceeding thirty-six guns each; and that a sum not exceeding — dollars be, and the same is hereby appropriated for building the said frigates, out of any moneys in the Treasury not otherwise appropriated."

It is my intention, sir, to move for twenty new frigates; but the number I have left blank in order, should the Senate be favorably disposed to an increase of the Navy, and disagree with me as to the degree of that increase, they might regulate the number at their pleasure.

Sir, I have been induced to offer this amendment from an impulse of duty towards my more immediate constituents, and also from a sense of the obligation imposed upon me, however feebly I may be able to respond to it, in the honorable station in which I am placed, to endeavor to the extent of my ability to support the dignity, protect the rights, and advance the best interests of the United States. Sir, I trust the amendment under consideration, if adopted, would have a relation, and a favorable relation, to all these objects.

If it be not the determination of the Government to engage in an open, actual, efficient war; to place the nation in such a complete state of preparation as to avert war, from our state of readiness to meet it; then the measures of the present session, those of filling up the existing Military Establishments, and thereby adding to it between six and seven thousand men, that of enlisting a standing army of twenty-five thousand men to serve for five years, unless sooner discharged—of providing for the employment of fifty thousand volunteers, and of holding in readiness one hundred thousand of the militia, would be not only inexcusable, but nearly treasonable; as they would in such case, without any adequate object, impose severe and heavy burdens upon the people of the United States, from which years of the highest degree of prosperity would not relieve them. But, sir, I am bound to believe, that unless redress be obtained, it is the determination of the Government of the United States to enter into an actual, vigorous, real war, or at any rate to put the nation into a perfect State of readiness to commence it, should it be necessary; and in either of these cases, an efficient naval force is as indispensable, nay much more indispensable, than a land force.

In the year 1793, when Great Britain depredated upon your commerce, you had a man at the head of your Government who fought no battles with paper resolutions, nor attempted to wage war with commercial restrictions, although they were then pressed upon him. He caused it to be distinctly and with firmness made known to Great Britain, that if she did not both cease to violate our rights, and make us reparation for the wrongs we had sustained—that young and feeble as we then were, just in the gristle, and stepping from the cradle of infancy, we would try the tug of war with her. What was the consequence? Her depredations were stopped—we made a treaty with her, under which we enjoyed a high degree of prosperity. Our claims

were fairly heard, equitably adjudged, and the awards were honorably and punctually paid to the sufferers. In this instance you did something for commerce.

Next came the war with Tripoli—the Barbary States preyed upon our commerce—you determined to resist, and despatched a small squadron to the Mediterranean: this ought to have been considered as the germ of your future maritime greatness: the good conduct and bravery of that squadron, and the self-immolation of some of its officers, spread the renown of your naval prowess to all quarters of the civilized globe. What did you in this instance? At the moment when victory had perched upon your standard—when you might have exhibited the interesting spectacle of the infant Government of the United States holding in subjugation one of the Powers of Barbary, to whom all Europe had been subservient—at this moment when conquest was completely within your grasp—civil agency stepped in—the laurel was torn from the brow of as gallant a chieftain as ever graced the plains of Palestine, and we ignominiously consented to pay a tribute, where we might have imposed one.

After this you had the Berlin decree, the Orders in Council, the Milan decree, the Rambouillet decree, the depredations of Spain, the robberies even of the renegade black chief of St. Domingo, and the unprovoked and still continued plunder of Denmark, a nation of pirates from their origin. What cause of complaint has Denmark, or ever had Denmark, against us? Her most fond and speculative maritime pretensions we have willingly espoused, and yet she continues daily to capture and condemn our vessels and cargoes, and contemptuously tells us that the Government of the United States is too wise to go to war for a few merchant ships. And this we bear from a people as inferior to the United States in all the attributes of national power or greatness, as I am inferior to Hercules. Yes, sir, commerce has been abandoned, else why prohibit your merchants from bringing the property, to a large amount, which they have fairly purchased and paid for, into the ports of our country, else why, by this exclusion, perform the double operation of adding to the resources of the enemy you are going to war with and impoverishing your own citizens.

Yes, sir, commerce has been abandoned, "deserted in her utmost need by those her former bounty fed." Yes, sir, she has been abandoned. She has been left as a wreck upon a strand, or as a derelict upon the waters of the ocean, to be burnt, sunk, or plundered, by any great or puny assailant who could man an oar or load a swivel for her annoyance.

What was the leading object of the adoption of the Federal Constitution in the northern parts of the Union? Most emphatically, it was for the protection of commerce. What was the situation of some branches of our commerce then? And what is it now? Look at the statement which was laid upon our tables about

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*Increase of the Navy.*

[SENATE.]

a fortnight past, and taken from the returns of the Treasury. What effect has it had upon our fisheries, which were so nobly and successfully contended for by the American Commissioners who settled the Treaty of 1788; which for a time suspended that Treaty; and which, both the duplicity and intrigue of France and the interest of England strove to deprive us of—of our fisheries, which were then considered, and still ought to be considered, as a main sinew of our strength, and a nursery for our seamen?

MONDAY, March 2.

*Increase of the Navy.*

Mr. CRAWFORD.—The honorable gentleman from Massachusetts (Mr. LLOYD) thinks that nothing has been done by the Government for commerce, whilst commerce has done every thing for the nation; that commerce has paid into the public Treasury \$200,000,000. If it is contended that this sum has been paid exclusively by commerce, nothing can be more incorrect. The money collected from imposts and duties is paid by the consumer of merchandise upon which the duties are imposed. It is collected immediately from the merchant, and ultimately from the nation. The only money paid into the Treasury which can justly be placed to the exclusive credit of commerce, is the sum retained by the Government upon debentures, which is only 7-10ths of one per cent. upon goods paying a duty of twenty per cent. *ad valorem*, and has never amounted to \$400,000 in any one year. The export of foreign productions from the United States in the year 1807, exceeded \$59,000,000, and the sum paid into the Treasury that year on account of drawbacks was about \$390,000, which is the greatest amount received from that source of revenue since the organization of the Government.

The duty upon tonnage, like the duty imposed on merchandise, is paid by the consumer or grower of the cargoes transported by the ship-holders, of whom this duty is immediately collected. The ultimate payment of this duty by the grower or consumer will depend upon the relative demand for, and supply of the articles in the market to which they are exported. If the demand for the article is greater than the quantity in the market, it is paid by the consumer; if the supply exceeds the demand, it is paid by the grower, in the form of a reduction of the price of the article equal to the duty imposed.

Who are the most interested in commerce, the growers of the articles, the exchange and transportation of which constitute commerce, or the factors and freighters employed in the exchange and transportation of those articles? Can any man doubt for one moment that the growers, the rightful owners of the articles to be exchanged, are more deeply interested in commerce than the merchant and ship-holder, who only make a profit from the sale and transportation of the articles exchanged? If the

profit they derive from commerce should be so enormous as to exceed the original value of those articles in the hands of the growers, still it can be demonstrated that the interest of the latter is more vitally affected by a prosperous or adverse state of commerce, than that of the merchant or ship-holder. The merchant will be regulated in the price which he gives to the grower, by the state of the market and the price of transportation to the market. Let the price be what it may in foreign markets, the merchant is regulated by it, and can only be affected by sudden changes in those markets which may be prejudicial or advantageous to him. It is a matter of small moment to him whether the articles in which he deals bring a high or low price in the market to which they are sent, if that price is not variable, because he will regulate the price he gives for them by the price which he can obtain. But the price which those articles will bring in the market to which they are sent, is all-important to the grower, because it will regulate the price which he is to receive for them beyond the power of his control. Every circumstance which tends to destroy competition and reduce the number of markets to which our produce is sent, vitally affects the interest of the grower. The planter, the farmer, is, therefore, more deeply interested in the prosperity of that commerce which finds a market for the annual surplus productions of his industry, than the merchant or ship-holder. This direct commerce is indispensable to the internal growth and improvement of the country, and to the comfort and happiness of the people, and more so to the people of the Southern and Western States than any other part of the United States. Sir, we are not so grossly ignorant as to mistake our interest in this matter. We know that, without commerce, without a market for the surplus productions of our labor, we should be deprived of many of those articles which long habit has made necessary to our ease and comfort. If, then, we are not grossly ignorant of our true interest, nothing can be more unfounded than the accusation of the gentleman from New York, (Mr. GERMAN.) The charge must be the result of ignorance or prejudice. Mr. C. said he would not follow the example of that gentleman by saying, "perhaps this prejudice might be an honest prejudice." No, he would not insult the feelings of that gentleman; he would not question his veracity or integrity by stating hypothetically, "that perhaps his opinions were honest." Whilst he repelled this unfounded charge in the manner which its nature imperiously demanded, he had no hesitation in admitting that the opinions of that gentleman, whether the result of prejudice or of ignorance, were strictly honest. Mr. C. said there was no man in the nation more friendly to that commerce which he had described than he was, and that no part of the nation cherished it with more ardor than that which he in part had the honor to represent on this floor. But, sir, there is a commerce which

has been prosecuted to a very great extent by the commercial capitalists of the United States, for the prosperity of which the agricultural part of the nation do not feel the same solicitude.

In the year 1807, the United States exported upwards of \$59,000,000 of foreign productions. This commerce has no connection with or dependence upon the annual surplus productions of the country, which is the only commerce that essentially promotes domestic industry and multiplies the domestic comforts of the great mass of the people. This commerce, which is the legitimate offspring of war, and expires with the first dawning of peace, is prosecuted principally by our commercial cities to the east and north of the Potomac. The landholders, the country people, the great mass of agriculturists in the United States, never had, and never can have any direct interest in it. The farmer of the Eastern and Middle States, and the planter of the Southern and Western States, stand in the same relation to this commerce. Whether it be prosperous or adverse, is a matter of small concern to them, and nothing but an effort of pure, disinterested patriotism could induce them to jeopardize the peace and happiness of the nation, and stake the prosperity of the direct commerce of the country, for the protection of this mushroom commerce.

The use proposed to be made of these frigates, if built, certainly meets my approbation. The idea of protecting our commerce by a naval force, which has been pressed with so much vehemence by some of our navy gentlemen, is worse than visionary. A navy can injure commerce, but cannot afford it protection, unless it annihilates the naval force of the adverse nation. Unless, therefore, we have the means of creating and supporting a naval force able to contend successfully with the British navy for the empire of the sea, we must abandon all idea of protecting our commerce against that nation. Great Britain, with her thousand ships of war, is unable to protect her commerce even in sight of her own coasts. According to my understanding of the views of the honorable gentlemen, these thirty frigates are to be employed in destroying the commerce of the enemy, and not in fighting her public armed vessels. They are in fact to be national privateers. In this point of view, the proposition to cashier the officer who should strike the American flag seems to be at war with the nature of their employment. They are to direct their efforts to the destruction of merchant vessels, and to avoid collision with the ships of war. It is to be apprehended that men, whose duty it is to avoid serious conflicts with the enemy, will grow timid from habit, and will resist but feebly when inevitably forced into them. The character of the naval officers of the United States makes a regulation of this kind wholly unnecessary. Their enterprise, their courage, and intrepidity, are too well established to require a regulation of such severity. As then the gen-

tleman does not intend to dispute the sovereignty even of our own seas with our expected enemy with this naval force, but intends to employ it in the destruction of merchant vessels, an increase of that force appears to me to be wholly unnecessary and impolitic. Individual enterprise, directed by individual interest, will more effectually destroy the commerce of the enemy, than any number of frigates in the power of this Government to build and employ. The *Baltimore Federal Republican* states that a French privateer in the Atlantic Ocean has captured about thirty merchant vessels, and that the impression made by this single privateer was so serious that thirteen vessels, several of which were frigates, were employed in cruising for her. The truth of this statement may be relied on, because that paper is not in the habit of exaggerating French successes, or of aggravating British sufferings. But it is said that, although our privateers were successful at the commencement of the Revolutionary War, before the conclusion of that contest they were entirely destroyed. Admitting the fact to be true, it does not necessarily follow that such will be the result of the war now in contemplation. After the first years of that contest, the British forces were in possession of the principal ports and harbors of the United States, which made it extremely hazardous for our privateers to approach our own coasts, or enter our own harbors. It is expected that our situation will be very different in the event of war at this time. Instead of possessing the principal ports of the United States, we expect to expel them from the whole of their continental possessions in our neighborhood. If this should be the result of the war, their means of annoying our commerce, and of destroying our privateers, will be greatly diminished, and their power of protecting their commerce from the depredations of our privateers will suffer an equal diminution.

MONDAY, March 9.

*British Intrigues to dismember the Union.*

The following Message was received from the  
PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I lay before Congress copies of certain documents which remain in the Department of State. They prove that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public Minister here, a secret agent of that Government was employed in certain States, more especially at the seat of Government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the

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Union, and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens that happy Union of these States, which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

MARCH 9, 1812.

The Message and documents therein referred to were read, and one thousand copies of the Message and documents ordered to be printed for the use of the Senate; and on motion of Mr. CAMPBELL of Tennessee, a committee was appointed to examine the documents above referred to, and designate such as may be necessary to be printed.

MESSRS. CAMPBELL of Tennessee, BRENT, and BAYARD, were appointed the committee.

Mr. LLOYD submitted the following motion for consideration:

*Resolved*, That the Secretary of State be directed to lay before the Senate the names of any and all persons in the United States, and especially in the State of Massachusetts, who have in any way or manner whatever entered into, or most remotely countenanced, the project or the views, for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig, then Governor General of the British provinces in North America, and which have this day been communicated to the Senate of the United States.

FRIDAY, March 18.

*Answer to Mr. Lloyd's inquiry.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 10th instant.

JAMES MADISON.

DEPARTMENT OF STATE, March 12, 1812.

The Secretary of State, to whom was referred the resolution of the Senate of the 10th instant, has the honor to report, that this department is not in possession of any names of persons in the United States, who have, in any way or manner whatever, entered into or countenanced the project or the views, for the execution or attainment of which, John Henry was, in the year 1809, employed by Sir James Craig; the said John Henry having named no persons or person as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted.

JAMES MONROE.

The Message and report were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, March 18.

*Incorporation of a Mining Company in Upper Louisiana.*

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorpo-

rate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company; and the bill having been further amended, the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

TUESDAY, March 24.

In the absence of the VICE PRESIDENT, on motion of Mr. LLOYD, the Senate proceeded to the choice of a President *pro tempore*, as the constitution provides, and WILLIAM H. CRAWFORD was elected.

THURSDAY, March 26.

*Incorporation of Lead Mine Company.*

The engrossed bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Anderson, Bradley, Condit, Crawford, Dana, German, Goodrich, Gregg, Howell, Hunter, Smith of New York, Tait, Taylor, and Worthington.

NAYS.—Messrs. Bayard, Franklin, Giles, Horsey, Lambert, Leib, Lloyd, Reed, Smith of Maryland, Turner, and Varnum.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company."

WEDNESDAY, April 1.

*Erection of the Territory of Orleans into a State.*

The amendments to the bill, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and, by unanimous consent, was further amended, by striking out, in the ninth section and second line, the word "next," and inserting the words "one thousand eight hundred and twelve."

*Resolved*, That this bill pass with amendments.

The bill giving further time for registering claims to land in the eastern district of the Territory of Orleans having been reported by the committee correctly engrossed, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enlarge the limits of the State of Louisiana; and, no amendment having been offered, on the question, Shall this bill be engrossed and read a

third time? it was determined in the affirmative—yeas 21, nays 8, as follows:

**YEAS.**—Messrs. Anderson, Bayard, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Gaillard, Giles, Gregg, Horsey, Howell, Leib, Pope, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

**NAYS.**—Messrs. Bradley, Franklin, German, Gilman, Goodrich, Lambert, Lloyd, and Reed.

#### *Temporary Embargo.*

The following confidential Message was received from the President of the United States:

*To the Senate and House of Representatives of the United States:*

Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

JAMES MADISON.

APRIL 1, 1812.

The Message was read; and on motion, by Mr. BAYARD, that the injunction of secrecy be taken off respecting the Message last read, it was determined in the negative—yeas 11, nays 21, as follows:

**YEAS.**—Messrs. Bayard, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, and Reed.

**NAYS.**—Messrs. Anderson, Bibb, Bradley, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

*Resolved*, That the Message be referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise.

*Ordered*, That Messrs. CAMPBELL of Tennessee, TAYLOR, GERMAN, POPE, and BAYARD, be the committee.

FRIDAY, April 3.

#### *Temporary Embargo.*

The amendments to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time," having been reported by the committee correctly engrossed, the bill was read the third time.

On motion, by Mr. LEIB, it was agreed to fill the blank with the word "ninety."

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 13, as follows:

**YEAS.**—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

**NAYS.**—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

SATURDAY, April 4.

On motion, by Mr. CAMPBELL, of Tennessee, the galleries were cleared, and the doors of the Senate Chamber closed.

A message from the House of Representatives, by their committee, Messrs. CALHOUN and WILLIAMS—Mr. CALHOUN, chairman:

*Mr. President:* The House of Representatives concur in the amendment of the Senate to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time."

FRIDAY, April 10.

#### *Executive Veto.—Returned Bill.*

A message from the House of Representatives informed the Senate that the bill which passed the two Houses of Congress at the present session, entitled "An act providing for the trial of all causes pending in the respective district courts of the United States, in case of the absence or disability of the judges thereof," and presented to the President of the United States for his approbation, has been returned by the President of the United States, with the following objections:

"Because the additional services imposed by the bill on the justices of the Supreme Court of the United States, are to be performed by them rather in the quality of other judges of other courts, namely, judges of the district courts, than in the quality of justices of the Supreme Court. They are to hold the said district courts, and to do and perform all acts relating to the said courts which are by law required of the district judges. The bill, therefore, virtually appoints, for the time, the justices of the Supreme Court to other distinct offices, to which, if compatible with their original offices, they ought to be appointed by another than the legislative authority, in pursuance of legislative provisions authorizing the appointments.

"Because the appeal allowed by law from the decision of the district courts to the circuit courts, while it corroborates the construction which regards a judge of the one court, as clothed with a new office, by being constituted a judge of the other, submits for correction erroneous judgments, not to superior or other judges, but to the erring individual himself, acting as sole judge in the appellate court.

"Because the additional services to be required may, by distances of place, and by the casualties contemplated by the bill, become disproportionate to the strength and health of the justices who are to perform them, the additional services being, moreover, entitled to no additional compensation, nor the additional expenses incurred, to reimbursement. In this view, the bill appears to be contrary to equity, as well as a precedent for modifications and extensions of judicial services, encroaching on the constitutional tenure of judicial offices.

"Because, by referring to the President of the United States questions of disability in the district judges, and of the unreasonableness of delaying the suits or causes pending in the district courts, and leaving it with him in such cases to require the justices of the Supreme Court to perform additional services, the bill introduces an unsuitable relation of

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*Death of the Vice President.*

[SENATE.]

members of the judiciary department to a discretionary authority of the Executive department.

"JAMES MADISON."

And the House of Representatives, where the bill originated, have taken the question in the constitutional way, and have resolved that this bill do not pass.

FRIDAY, April 17.

*Temporary Non-Exportation.*

On motion, by Mr. DANA, the injunction of secrecy was removed respecting the proceedings on the "Act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time."

[*The proceedings are as follow:*]

THURSDAY, April 9, 1812.

The following confidential message was received from the House of Representatives, by their committee, Mr. SMILE and Mr. PLEASANTS—Mr. SMILE, chairman:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time;" in which bill they ask the concurrence of the Senate.

The bill was read, and, on motion, by Mr. CAMPBELL of Tennessee, that the bill be now read the second time by unanimous consent, it was objected to as against the rule.

*Ordered,* That the bill pass to a second reading.

FRIDAY, April 10.

The bill from the House of Representatives, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL of Tennessee, BRADLEY, and TAYLOR, were appointed the committee.

Mr. CAMPBELL of Tennessee, from the committee, reported the bill last mentioned with an amendment. Whereupon, the bill was resumed, and considered as in Committee of the Whole, together with the amendment reported thereto by the select committee; and having agreed to the amendment, the President reported the bill to the House accordingly.

On motion, by Mr. GOODRICH, that the further consideration of the bill be postponed until to-morrow, and that it be printed under an injunction of secrecy, for the use of the Senate, it was determined in the negative.

On the question, Shall the bill pass to the third reading as amended? it was determined in the affirmative—yeas 16, nays 12, as follows:

*YEAS.*—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Gaillard, Gregg, Howell, Leib, Pope, Smith of New York, Tait, Taylor, Turner, and Varnum.

*NAYS.*—Messrs. Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

FRIDAY, April 17.

*Mississippi Territory.*

Mr. TAYLOR, from the committee to whom was referred on the 17th of March, the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States;" and on the 6th instant, the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, reported that the said bills be severally postponed to the first Monday in December next.

The report is as follows:

That in considering the subject referred to them, they could not avoid being struck with the immense size of the Territory proposed to be erected into a State, a size disproportionate to the size of any of the largest States which now compose our confederation.

It embraces, in its present form, and without any extension, to the Gulf of Mexico, (as is proposed in the bill referred to us,) nearly six and a half degrees of geographical longitude, and four entire degrees of latitude, and affords an area of twice the surface of the State of Pennsylvania.

Your committee are strongly impressed with the propriety and expediency of dividing the said Territory, so as to form of the same two States, whenever the population, within the limits of each section, shall render it just and proper; and they respectfully submit to the Senate the following divisional line, between the western and eastern sections of the said Territory, viz: up the Mobile river, to the point nearest its source, which falls on the eleventh degree of west longitude from the city of Washington; thence a course due north until the line intersects the waters of Bear Creek; thence down the said creek to its confluence with the Tennessee River; thence down the said river to the northern boundary line of the said Territory. By a view of the map of this country it will appear that the above divisional line will divide the Territory into nearly two equal parts, and it has, for the most part, a delineation by nature.

By the 5th section of the 1st article of the treaty of cession from the State of Georgia the United States are bound to erect the said Territory into one State. It has, however, been suggested that the State of Georgia would not, upon a proper representation, withhold her consent to the proposed division.

To the end, therefore, that an opportunity may be afforded to the State of Georgia to express this consent, by a legislative act of the said State, as they shall think proper, your committee recommend that the said bill shall be postponed to the first Monday in December next.

MONDAY, April 20.

*Death of the Vice President.*

The PRESIDENT addressed the Senate as follows:

"GENTLEMEN: Upon me devolves the painful duty of announcing to the Senate the death of our venerable fellow-citizen, GEORGE CLINTON, Vice President of the United States.

"By this afflictive dispensation of Divine Providence the Senate is deprived of a President rendered dear to each of its members by the dignity and impartiality with which he has so long presided over their deliberations; and the nation bereaved of one of the brightest luminaries of its glorious Revolution."

The Senate being informed of the decease of their distinguished fellow-citizen, GEORGE CLINTON, Vice President of the United States, do

*Resolve*, That a committee be appointed, jointly with such as may be appointed on the part of the House of Representatives, to consider and report measures proper to manifest the public respect for the memory of the deceased, and expressive of the deep regret of the Congress of the United States on the loss of a citizen so highly respected and revered.

*Ordered*, That Messrs. SMITH of New York, SMITH of Maryland, GERMAN, GILMAN, and BRADLEY, be the committee.

*Ordered*, That the Secretary carry this resolution to the House of Representatives.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of a joint committee "to consider and report measures proper to manifest the public respect for the memory of the Vice President of the United States," deceased, and have appointed a committee on their part.

TUESDAY, April 21.

On motion of Mr. SMITH of New York,

*Resolved unanimously*, That, from an unfeigned respect to the late GEORGE CLINTON, Vice President of the United States, and President of the Senate, the Chair of the President of the Senate be shrouded with black during the present session; and, as a further testimony of respect for the memory of the deceased, the members of the Senate will go into mourning and wear a black crape round the left arm for thirty days.

FRIDAY, April 24.

*Recess of Congress.*

Mr. BRADLEY, from the joint committee of the two Houses appointed on the subject of a recess, reported the business that demands the immediate attention of Congress, and the following resolution:

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That, during the present session of Congress, the President of the Senate and Speaker of the House of Representatives shall, on the 29th day of April instant, adjourn their respective Houses to Monday, the 18th day of May next, then to meet at the same place in which the two Houses are now sitting.

On motion, by Mr. BRADLEY, the resolution was twice read by unanimous consent; and, on motion by Mr. POPE, amended, by striking out the words "eighteenth day of May next."

On the question, Shall this resolution be en-

grossed, and read a third time as amended, it was determined in the affirmative—yeas 18, nays 18.

SATURDAY, April 25.

*Recess of Congress.*

The Senate resumed the consideration of the resolution for a recess of Congress from the 29th inst. to the — day of — next.

Mr. POPE moved to fill the blank with the 4th Monday in June. The most distant day would probably accommodate the greatest number of members; and this day would be sufficiently early to take measures necessary on the expiration of the embargo.

Mr. ANDERSON said he had supposed the day fixed upon by the committee, viz: the 18th of May, would have been the day. He did not himself feel the necessity of any adjournment; but, if it must take place, it ought either to be for a short time, or for so long a time as equally to accommodate all. If it were to be for a short time, it would be merely for relaxation; if for a longer time, as was now proposed, he feared it would be considered as indicative of an intention to pause in the course of measures they had commenced, and produce an impression abroad, among the people, which was much to be deprecated.

Mr. POPE said he was in favor of such a time being fixed on as should accommodate the greatest number of the members. As to the effect of an adjournment on the public mind, he imagined that the difference between a recess of twenty or thirty days would be very unimportant.

Mr. G. W. CAMPBELL said it seemed to him something like bribing the members to obtain votes, to talk about lengthening the time so as to accommodate the greatest number of members. He could not conceive it consistent with the honor of the country that they should decide the question of adjournment on the mere ground of personal convenience; he considered the only question to be, whether a recess would have a good or bad effect on the public service. He had on a former occasion stated his objection to this step, that it would produce an ill effect on the public mind. Many misrepresentations have been already made to induce the public to believe you are not in earnest. An adjournment for any length of time would seem like deserting our posts, and will put the seal on this belief. Under this view, he must vote against the adjournment; but the longer was the recess, the worse would be the effect on the public mind. He should, therefore, vote for the shortest day.

Mr. BRADLEY said he could not see that the proposed recess would be deserting their posts at all. The nation knew that the Government could not go to war without soldiers; and sitting here would certainly not restore peace. Congress had adopted many war measures, the execution of which they had put into the hands of



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*New York Memorial.*

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the Executive; they had also authorized a loan of eleven millions. And while these measures were going on, could Congress, by staying here constantly, add to the number of men, or expedite the loan? If an enemy were to invade us, without any government at all, they would be promptly resisted. But, if we are going to war to redress grievances, to revenge injuries received, we should choose our own time. If we begin war before we have an army, it is bringing the nation to the last stage of degradation, not to consider at all the sufferings and losses which would be in such cases sustained. It would be a great error to attempt to put this country, by a forced vote of Congress, into war. You cannot lead this country to war as the butcher leads his flock to the slaughter-house. This is a government of opinion; the public sentiment will not be driven, but must be followed. Congress have certainly done as much for the present as they can. I wish to see the effect of the measures they have taken. The Executive is clothed with all the necessary powers to make preparation for war; and if the nation will not abide by us and support the measures of Congress, it is vain to say we can force the people into a war. I believe the people will be better satisfied with a recess than with our sitting here from day to day without doing any thing material, and there is nothing material at this moment to do. They are not irrational; they know that Congress have been in session six months; they must also foresee that when we come to war, the Council of the Nation must be perpetually in session; they will, therefore, not be dissatisfied at a short recess. If war be actually to take place at the expiration of the embargo, this, of all others, is the time for relaxation.

The question on the insertion of the eighth day of June as the day of reassembling of the two Houses, was decided as follows:

**YEAS.**—Messrs. Bradley, Condit, Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, Robinson, Smith of New York, Turner, and Worthington—18.

**NAYS.**—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Gaillard, Giles, Howell, Leib, Smith of Maryland, Tait, Taylor, and Varnum—18.

So the motion was carried.

WEDNESDAY, April 29.

#### *Maritime Defence.*

Mr. POPE asked and obtained leave to bring in a bill more effectually to protect the commerce and coasts of the United States; and the bill was read, and passed to the second reading.

TUESDAY, June 9.

#### *Rhode Island Resolutions.*

Mr. HUNTER presented the resolutions of the Legislature of the State of Rhode Island and Providence Plantations, instructing their Senators and Representatives in Congress, to use

their endeavors to avert the evils of war, to put our maritime frontier in a state of defence, and for the repeal of the embargo and restrictive system; and the resolutions were read.

#### *New York Memorial.*

Mr. SMITH of New York, presented the following petition of sundry inhabitants, merchants, and others, of the city of New York, praying that the embargo and non-importation laws be continued as a substitute for war against Great Britain:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of the subscribers, merchants, and others, inhabitants of the city of New York, respectfully sheweth:

That your memorialists feel, in common with the rest of their fellow-citizens, an anxious solicitude for the honor and interest of their country, and an equal determination to assert and maintain them.

That your memorialists believe that a continuance of the restrictive measures now in operation will produce all the benefits while it prevents the calamities of war. That when the British Ministry become convinced that a trade with the United States cannot be renewed, but by the repeal of the Orders in Council, the distress of their merchants and manufacturers, &c., their inability to support their armies in Spain and Portugal, will probably compel them to that measure.

Your memorialists beg leave to remark, that such effects are even now visible; and it may be reasonably hoped that a continuance of the embargo and non-importation laws a few months beyond the fourth day of July next, will effect a complete and bloodless triumph of our rights.

Your memorialists therefore respectfully solicit of your honorable body the passage of a law continuing the embargo, and giving to the President of the United States power to discontinue the whole of the restrictive system on the rescinding of the British Orders in Council.

The conduct of France in burning our ships, in sequestrating our property entering her ports, expecting protection in consequence of the promised repeal of the Berlin and Milan decrees, and the delay in completing a treaty with the American Minister, has excited great sensation, and we hope and trust will call forth from your honorable body such retaliatory measures as may be best calculated to procure justice.

John Jacob Astor  
Samuel Adams  
Howland & Grinnell  
E. Slosson  
Israel Gibbs  
Isaac Clason  
John Slidell  
John K. Townsend  
Andrew Ogden & Co.  
Thomas Storm  
Amos Butler  
Ebeneser Burrill  
Isaac Heyer  
Ralph Bulkley  
Samuel Bell  
John F. Delaplaine  
Peter Stagg  
David Taylor

Abraham Smith  
Thomas H. Smith, jr.  
Andrew Foster  
Jacob Barker  
William Lovett  
William Edgar, jr.  
Samuel Stillwell  
Jacob P. Giraud  
John Hone  
John Kane  
Amasa Jackson  
William J. Robinson  
Joseph Strong  
Abraham S. Hallet  
Joshua Jones  
Frederick Giraud, jr.  
Robert Roberts  
John Crookes

William Adee	Hugh McCormick
John T. Lawrence	John Depeyster
Joseph W. Totten	Gilbert Haight
Isaac Schermerhorn	James Lovett
Alexander Ruden	Leffert Lefferts
Joseph Otis	Augustus Wyncoop
Lewis Hartman	John W. Gale
Garret Storm	Thomas Rich
George Bement	Samuel Marshall
S. A. Rich	Elbert Herring.

After the memorial had been read,

Mr. TAYLOR said, that the respectability of the subscribers to a petition presented to this body, and the importance of the matter therein contained, had, on various occasions, been used as inducements to us to give such petition a respectful *disposition* in the course of our proceedings. He recollected a case in point. It was the case of the petition of an eminent merchant of Massachusetts, presented by an honorable Senator from that State, and which at the suggestion of that honorable gentleman was, by the Senate, ordered to be printed. He was of opinion that the petition just read ought not to be treated with less attention. That he had seen the petition, and had inquired into the character of its subscribers—and had been informed that the fifty-eight signers to it were among the most respectable, wealthy, and intelligent merchants of the city of New York. There are to be found in that list the names of two presidents of banks; three presidents of insurance companies; thirteen directors of banks: besides other names of pre-eminent standing in the mercantile world. They had all united in the sentiments contained in the petition, notwithstanding that there existed among them a difference in political opinions—for he understood that of the petitioners forty-two were federal and sixteen republican. Mr. T. added, that he considered some of the sentiments contained in the petition as of the highest importance. He hailed it as an auspicious occurrence, that these honorable merchants, in praying that the evils of war might be averted from them and from the nation, had nevertheless held fast to the principle of resistance to the aggressions and unhallowed conduct of Great Britain towards our nation—and had exercised the candor and firmness to bear testimony to the efficiency of the restrictive system for obtaining a redress of our wrongs, and of course to the integrity and honor of those who had imposed this system for that purpose. He hoped that the example of these petitioners would tend to counteract those strenuous and unremitting exertions of passion, prejudice, and party feeling, which had attempted to stamp upon the majority in Congress the foul and unjust censure of being enemies to commerce. That, however unfashionable and obstinate it might appear, he still believed that the embargo and non-importation laws, if faithfully executed, were capable of reaching farther than our cannon. We were at this very time tendering an urgent argument, to be felt by each city, village and hamlet in England. This touching to the

quick the vital interests of that empire, would demonstrate to the people at least the folly and absurdity of the Orders in Council. The ordeal of the twenty weeks of scarcity, which the people of that unhappy country are undergoing, to relieve which, but for the madness and folly of their rulers, every yard of American canvas would be spread to the gales: the thousands of starving manufacturers thrown out of employ for want of our custom, which custom, but for the injustice of their masters, we were willing to give, now feel the efficiency of the restrictive system. These matter-of-fact arguments want no sophistry nor long speeches to give them weight. But Great Britain is proud, and will never yield to this sort of pressure. Hunger has no law. Where was her pride during the last year when she exported to her enemy on the continent more than eleven millions of pounds sterling for provisions; and meanly truckling to her enemy, consented to buy the privilege of laying out her guineas for bread; and actually submitted on the compulsion of Napoleon to buy the wines, brandies, and silks of France, which she did not want! This restrictive system, when commenced under the former embargo law, encountered every opposition among ourselves, which selfish avarice, which passion and party rage could suggest; and so successful were its assailants that while it was operating with its fullest effects, (which the prices current of that day will show,) some of its greatest champions in the National Legislature abandoned it—yes, sir, in the tide of victory they threw down their arms. How were the mighty fallen, and the shield of the mighty vilely cast away! The disavowal of Erskine's arrangement was the consequence of this retreat. But it may be said that the sentiments in their petition were extorted by the apprehension of a greater evil—war. In all our trials, those who had not predetermined to submit to Great Britain must have anticipated this alternative. Let those who by their acrimony, sneers, and scoffs, have thrown away this chief defence of our nation, be held responsible for the compulsion they have imposed on us to take this dire alternative. He said that although he was unwilling to abate a single pang which we might legally inflict upon our enemy, and might at the proper time oppose any thing like the swap proposed of one system for another, when we had the power and the right to impose upon our enemy both the one and the other, he nevertheless thought the petition was deserving of the attention which he now moved it should receive. He moved that the petition should be printed.

The motion was agreed to; and the Senate then adjourned.

THURSDAY, June 11.

*General Wilkinson's Accounts.*

The Senate resumed the consideration of the resolution reported by the committee on the

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*Declaration of War against Great Britain.*

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memorial of General James Wilkinson, which is as follows:

*Resolved*, That the proper accounting officer of the Department of War be directed, in the settlement of General Wilkinson's account, to place to his credit the sum of four thousand and thirty-six dollars seventy-seven cents.

And the resolution was agreed to, and recommended to the original committee, with instruction to bring in a bill accordingly.

FRIDAY, June 12.

*Massachusetts Memorial.*

Mr. LLOYD presented a resolution of the House of Representatives of Massachusetts, passed June 2d, instant, expressing their opinion "that an offensive war against Great Britain, under the present circumstances of this country, would be in the highest degree impolitic, unnecessary, and ruinous;" also, a memorial of the said House of Representatives, passed by a majority of one hundred and sixty-six, on the same subject; and the resolution and memorial were read, and ordered to be printed for the use of the Senate.

They are as follows:

## COMMONWEALTH OF MASSACHUSETTS:

IN THE HOUSE OF REPRESENTATIVES,

June 2, 1812.

*Resolved*, As the opinion of this House, that an offensive war against Great Britain, under the present circumstances of this country, would be in the highest degree impolitic, unnecessary, and ruinous; that the great body of the people of this Commonwealth are decidedly opposed to this measure, which they do not believe to be demanded by the honor or interests of the nation; and that a committee be appointed to prepare a respectful petition to be presented to Congress, praying them to arrest a calamity so greatly to be deprecated, and, by the removal of commercial restrictions, to restore, so far as depends on them, the benefits of trade and navigation, which are indispensable to the prosperity and comfort of the people of this Commonwealth.

TIMOTHY BIGELOW, *Speaker*.

THURSDAY, JUNE 18.

*Injunction of Secrecy on War Measures removed.*

The injunction of secrecy thereon having been removed, on motion, by Mr. ANDERSON, twelve hundred copies of the confidential Message of the President of the United States of the first of June instant, were ordered to be printed for the use of the Senate.

*Certain confidential proceedings of the Senate, since first June, are as follow, the injunction of secrecy having been removed:*

MONDAY, June 1, 1812.

A confidential Message was received from the PRESIDENT OF THE UNITED STATES, as follows: [For this Message, see the *Supplemental Jour-*

*nal of the Proceedings of the House of Representatives, under the date of June 1, 1812, post.]*

FRIDAY, June 5.

*Declaration of War against Great Britain.*

A confidential Message was received from the House of Representatives, by Messrs. MACON and FINDLAY, two of their members—Mr. MACON, chairman:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories;" in which they ask the concurrence of the Senate; and request that the bill be considered confidentially.

An act declaring War between Great Britain and her Dependencies, and the United States and their Territories.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That war be and the same is hereby declared to exist between Great Britain and her Dependencies, and the United States and their Territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect; and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Great Britain, of its subjects, and of all persons inhabiting within any of its territories or possessions.

On motion, the bill was twice read by unanimous consent; and, on motion by Mr. LEIB, it was referred to the committee appointed the 1st instant, on the confidential Message of the President of the United States of the same date, to consider and report thereon.

TUESDAY, June 9.

On motion by Mr. ANDERSON, the bill entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," was considered as in Committee of the Whole. Mr. GAILLARD was requested to take the Chair; and, after debate, a motion was made by Mr. GREGG, that the bill be recommitted, for further amendment, to the committee who have under consideration the Message of the President of the United States of the 1st June. And, after debate, the President resumed the Chair, and the Senate adjourned.

WEDNESDAY, June 10.

Mr. GAILLARD was requested to take the Chair.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories."

Mr. GREGG, by permission, amended his motion

for recommitting the bill to the committee appointed on the confidential Message of the President of the United States, of the 1st of June, as follows:

*Resolved*, That the bill entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," be re-committed to the committee to whom was committed the Message of the President, of the 1st instant, with instructions to modify and amend the same, in such manner that the President of the United States shall have power to authorize the public armed ships and vessels of the United States to make reprisals upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof; and also to grant letters of marque and reprisal, under suitable regulations, to be provided in the bill, to private armed ships and vessels to make like reprisals.

THURSDAY, June 11.

Mr. GAILLARD was requested to take the Chair.

On motion by Mr. ANDERSON, the bill from the House of Representatives, entitled "An act declaring war between Great Britain and her Dependencies, and the United States and their Territories," was resumed, and considered as in Committee of the Whole, together with the motion yesterday submitted by Mr. GREGG; and on the question to agree to the motion, it was determined in the affirmative—yeas 17, nays 18, as follows:

YEAS.—Messrs. Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reid, Smith of New York, and Worthington.

NAYS.—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Pope, Smith of Maryland, Tait, Taylor, Turner, and Varnum.

Whereupon, Mr. CRAWFORD resumed the Chair; and, on motion by Mr. ANDERSON, it was ordered that the committee to whom this bill is recommitment have leave to sit immediately.

FRIDAY, June 12.

*Reprisals on British Commerce.*

Mr. ANDERSON, from the committee to whom was recommitment the bill, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," with instructions to modify and amend the same, in such manner that the President shall have the power to authorize the public armed ships and vessels of the United States to make reprisals upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, and to the subjects thereof; and also to grant letters of marque and reprisal, under suitable regulations, to be provided in the bill, to private ships

and vessels to make reprisals, agreeably to said instructions.

SATURDAY, June 13.

*Declaration of War.*

Mr. GAILLARD was requested to take the Chair; and on motion, by Mr. ANDERSON, the consideration of the bill, entitled "An act declaring war between Great Britain and her Dependencies, and the United States and their Territories," was resumed, as in Committee of the Whole; and having agreed to sundry amendments, the President resumed the Chair; and Mr. GAILLARD reported the bill with amendments, which were considered in Senate and agreed to.

A motion was made by Mr. GERMAN, to postpone the further consideration of the bill to the first Monday in November next.

Mr. GERMAN addressed the Chair as follows:

Mr. President: I made the motion to postpone the consideration of the bill now before us, from a conviction that it will be extremely injurious to the country to pass it at this time. I feel, sir, that the State I have the honor to represent has a peculiar interest in the event of this question; and I also feel the weight of the interest which the nation at large has at stake, in the event of the passage of this bill. I therefore consider it a duty I owe my constituents, to use every reasonable exertion in my power to prevent the object of that bill, until the country is better prepared to carry it into effect.

As I presume the war, if declared, is intended to be an offensive one, I will, to establish the propriety of my motion, take a general view of the situation of this country; of its means to carry on offensive operations, as well as to defend itself, and of the situation and relative strength also of the country we are required to make war upon.

I am ready to allow, Mr. President, that both Great Britain and France have given us abundant cause for war; on this occasion, therefore, I shall dispense with using any argument which might serve to show, that if we were even in a state of preparation, and possessed the means of insuring a favorable issue, it would be bad policy for this country, at the present time, to enter into war with Great Britain, although perhaps many weighty reasons might be adduced in support of such argument.

I will first call the attention of the Senate to the ability and strength of the nation we are about, by this bill, to declare war against. Gentlemen ought to recollect, that Great Britain has been almost constantly engaged in war for twenty years past against one of the most powerful nations that ever existed; and for a considerable part of that time, the energies of her enemy have been directed by war's favorite genius—NAPOLEON, who has succeeded in uniting nearly the whole force of the Continent of Europe against her: against that very nation

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*Hostilities with Great Britain.*

[SENATE.]

which we are about to assail; and what has been the effect? Is Great Britain less powerful now, than she was twenty years ago? No, sir, this constant warfare has increased her powers instead of diminishing them. At the commencement of the war, France was nearly her equal on the ocean, and several other nations of Europe maintained a powerful naval force. But what is their situation at present? Has not Great Britain driven them all from the ocean? And does she not remain sole mistress? I ask gentlemen, if her ability to carry on a distant war by land or sea, has diminished? The answer must be that it has increased with her navy, and extended with her dominion. Great Britain now commands the strength and resources of most of the West India Islands, and many of the islands in the Indian Ocean. She controls the destinies of more than thirty millions of people on the Continent of Asia. And she has, at this time, or will have, if we engage in a war with her, the exclusive benefit of the trade of the world; and under these circumstances possesses the ability to carry on a war in distant countries across the ocean, beyond any nation ever heard of.

These considerations, Mr. President, lead me to the view of our situation and means of defence, and of our ability to carry immediate war into the colonies of Upper and Lower Canada. I will first consider the situation of our maritime frontier, beginning at New Orleans, and examine the situation of that place. We learn from the War Office that there is *little* rising of one hundred regular troops stationed near the city for its defence. Now I will ask any gentleman if that paltry force is sufficient for that object; and if it will not be in the power of the British to take possession of that city within sixty days after your declaration of war against them? If gentlemen calculate on the goodness and forbearance of the enemy, I think they will be deceived. Great Britain is a wily, active nation. She has been trained to war. She will not measure her steps and movements by ours; if we are not prepared to defend our seaports, she will not wait until we are; and should she get possession of New Orleans, it will cost much blood and treasure to dislodge her. Passing northerly along our coast, let us see what is the situation of our most valuable cities. Charleston and Norfolk, as well as many other places of less consequence, are found exposed to maritime attacks. And when we reach the city of New York (the nation's great emporium of trade) do we, on viewing its situation, and strength of the public works for its defence, find it in a perfect state of security? No, sir, unless the greatest part of your frigates are stationed there, to aid your fortifications, and gunboats, it will fall a prey to the enemy. It can be assailed by a small fleet, with every prospect of success. The only resistance they would meet with would be in passing the fortifications on Staten Island, and perhaps a few shots from Bedlow's and

Ellis's Islands. They might soon place themselves abreast the works at the upper end of the city, the weakest of them all. And I have no doubt two seventy-fours might silence this work in twenty or thirty minutes. They would then meet with no other resistance than from travelling guns on the shore and from the docks. The result would probably be, that the city would be set on fire, or a contribution extorted from its inhabitants. I will now pass on to Rhode Island. Does the prospect of security there flatter us? No, sir. I am told by competent judges that nothing short of a force of from three to five thousand men can defend that island. Boston, it is said, can be defended, and is, perhaps, the only secure place of considerable consequence on the seaboard. In viewing the situation along the province of Maine, and our northern frontier up the river St. Lawrence, and the Lakes to Fort Malden, and from thence to the Mississippi, do we not find almost every point and place where there are inhabitants, subject to the incursions of the enemy? Have they not more troops on and near the line than we have? Yes, sir; they have ten to our one, and a militia which the Government of Canada have been fully vigilant in training. I understand that ever since the prospect of war began to thicken in the political horizon, they have trained their militia three or four times a month, and have paid them daily wages for their services. Not so, sir, with our militia—they have, it is true, been called into the public service to do the duty of regular troops; and what is now their situation? Sixteen hundred of the militia of the State of New York have been ordered into public service, on the frontiers of that State, and have, as I am informed, marched to their place of destination. There we find exhibiting a spectacle that would wound the feelings of the most callous man—*without hats, without blankets to cover them, without camp-kettles to cook the miserable provisions furnished them by the Government contractors or any one necessary for camp equipage. Their officers with the utmost difficulty preventing their marching home for self-preservation.* Here, Mr. President, I wish to call the attention of the Senate to the propriety and constitutionality of calling out this detachment of militia at a time when no enemy menaced an invasion. The constitution only authorizes the General Government to call out the militia to suppress insurrection, enforce the laws, and repel invasion. And I would ask whether either of these events had happened when this corps of militia were ordered out? No. It is well known that no such emergency existed. But they have this miserable consolation, that they are to receive six dollars and two-thirds a month for their services, finding their own clothes, arms and accoutrements. I do not mention these things with a wish to discourage the militia from serving their country when necessary, nor do I believe defending them in their constitu-

tional rights will have that effect, for I am fully aware that there is no class of citizens more patriotic or willing to defend their country than they are, and will be so found when the safety of it shall really demand their services.

I will now resume the consideration of our situation upon the Lakes to Detroit and Fort Malden. Here it must be remembered that the British command the Lakes. We are told that Governor Hull is marching to the defence of Detroit with twelve hundred militia from the State of Ohio, together with four hundred regular troops, formed and disciplined for action by the brave Colonel Boyd. These troops, I hope, will be better supplied and provided for than those on the frontier of New York. It is whispered by some of the favorites who are suffered to know the projects of our Government, that the British have sent a part of their regular troops, together with a number of Indians, from Fort Malden to Fort Erie, near the Falls of Niagara; and this is taken as certain evidence of the weakness of the garrison at Fort Malden, and that that fort may consequently be surprised and taken by Governor Hull with little difficulty. Now, I draw the exact contrary conclusion from this circumstance; for the British must have known that Governor Hull was on his march to Detroit; and if they had been weak at Fort Malden they never would have detached part of their force and sent it to the aid of Fort Erie. But presuming they had not heard of Governor Hull's march, and that they had left that fort comparatively defenceless, they will assuredly learn it soon enough to have the detachment return by water before Governor Hull can reach Malden. And if in the attempt to take Fort Malden, Governor Hull should meet with a defeat, the consequences will be alarming; for no reinforcement can be sent him, nor any assistance afforded soon enough to prevent a disastrous termination of the expedition. In that case the British, with a partial aid from the Indians, might cross the river and take possession of Detroit; and if they should then obtain the assistance of the Indians generally, it will be in their power to drive in all the frontier settlements of Ohio; and there can be little doubt when this war is once commenced that nearly all the Indians will flock to the British standard.

#### MONDAY, June 15.

The Senate resumed the consideration of the bill, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," together with the motion made by Mr. GERMAN to postpone the further consideration thereof until the first Monday in November next:

And on the question to agree to the motion, it was determined in the negative—yeas 10, nays 22, as follows:

YEAS.—Messrs. Bayard, Dana, German, Gilman,

Goodrich, Horsey, Hunter, Lambert, Lloyd, and Reed.

NAYS.—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gailard, Giles, Gregg, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor Turner, Varnum, and Worthington.

On motion, by Mr. LEIB, to amend the bill, as follows:

[The amendment was to authorize privateering both against Great Britain and France.]

On the question, Shall this bill pass to a third reading as amended? it was determined in the affirmative—yeas 19, nays 18, as follows:

YEAS.—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gailard, Giles, Gregg, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS.—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Lloyd, Pope, Reed, and Worthington.

#### TUESDAY, June 16.

##### *Declaration of War.*

The amendments to the bill from the House of Representatives, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," were reported by the committee correctly engrossed.

Mr. BAYARD moved to postpone the further consideration of the bill to the thirty-first day of October next.

The motion did not oppose or deny the sufficiency of the causes, or the policy of the war. It went only to affirm what he trusted the course of his observations would render very evident, that this was not a time at which war ought to be declared.

He indulged a confidence, that upon so great an occasion the Senate would not be impelled to act by any little passions, nor by any considerations which did not arise out of an extended and distinct view of the interests of the country. It is not enough that we have cause of war; we must see that we are prepared, and in a condition to make war. You do not go to war for the benefit of your enemy, but your own advantage; not to give proofs of a vain and heedless courage, but to assert your rights and redress your wrongs. If you commence hostilities before you are prepared to strike a blow, and while your cities, your territory, and your property on the ocean, are exposed to the mercy of a Government possessing vast resources of war, what can you expect but to add new distresses, defeat, and disgrace to the wrongs of which you complain? It is a strange motive for war—a wish to gratify the rapacity, to swell the triumphs, and to increase the insolence of the enemy.

Mr. B. said, that neither the Government nor the people had expected, or were prepared for war. Even at this moment, the general

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opinion abroad was, that there would be no war, the mercantile and trading world had continued to act upon that opinion. Nor could people be persuaded that an unarmed nation was about to attack a nation armed cap-a-pie. No man had laid out his account for this war, and every one would be taken by surprise and unprepared for its shock.

You have at this moment an immense property abroad, a great portion of it in England, and part floating on the ocean and hastening to your ports. The postponement proposed might save a great portion of this property, and bring home the seamen now absent from the country. Gentlemen would remember the number of ships which left our ports on the eve of an embargo. These vessels had not had time to perform their voyages, and the greater part of them were still abroad. He knew that some members had no commiseration for the merchant who had dared to escape the embargo, and who had disregarded the salutary precautions, designed, as it was said, for his security. But he did not think it surprising, nor culpable, that those whose property consisted in ships, should be averse to seeing them rotting at the wharves, and even disposed to incur risks to find employment for them abroad.

Even, however, if it should be thought that the merchants had acted with indiscretion and folly, it is the part of a parental Government, such as this ought always to be, not to punish the citizens for their misfortunes, but to guard them against the effect of their errors. Besides, a loss of individual property was a loss to the State, as the public strength was derived from individual resources.

He stated that the question of war had been doubtful till the present moment. He did not believe that the President himself expected war at the opening of the session, nor for a long time after. A menacing language was held out; but the hopes of an accommodation were far from being abandoned. Much was expected from the Prince Regent's accession to his full powers. A change of Ministry was not doubted, and it was thought that in the change of men, there would have been found such a change of principles and measures, that the differences between the two Governments might be compromised and settled. This expectation was protracted till it became plainly evident that the Prince did not intend to change his father's Ministers, nor to depart from their principles or measures. When this discovery was made, the Administration had proceeded too far to recede.

Desperate as the course was which now alone remained to be pursued, they supposed they were obliged to advance or become the object of reproach and scorn both to friends and foes. This necessity they had brought upon themselves, but it was too late to consider whether the condition might have been avoided; they were pledged in this state of events to attempt to extort from Great Britain by force the con-

cession of those points which their arguments had failed in persuading her to yield. He had no doubt but that, some months past, the Cabinet had seriously determined upon resorting to hostilities. But the concurrence of Congress was to be obtained, and whether a majority of both Houses could be brought to take the daring and hazardous step, no man in or out of the Government, without the gift of prophecy, could have predicted.

The public mind had been so repeatedly distracted and deceived by boisterous speeches, and bold but ephemeral resolutions, that it had sunk into a state of apathy, and was no longer excited even by the sound of war echoed in the ministerial paper from the proceedings of Government. When the bill before us was first brought up from the other House, it was the opinion of very few that it would obtain the support of a majority of this body; and, even now, it was likely to pass, not because it was approved by a majority, but of the differences of opinion which existed among gentlemen as to other courses which had been proposed.

If, with the light and information possessed in this body as to the views and designs of the Cabinet and of Congress, it has been doubtful among ourselves whether the Government would resort to war, how was it to be known by our merchants, or any other class of society unacquainted with the intentions and secret proceedings of those exercising the powers of the Government, that the nation would be wantonly plunged into a sudden war?

He had heard it said, that the embargo was a sufficient notice of the design of the Government to resort to hostilities upon its expiration, and that the people must be infatuated, who, after such warning, were not apprised of the approaching crisis. But it is too recently and deeply in our recollection to be forgotten, that this is not the first embargo we have experienced, and which, though of longer duration, we saw pass away without being followed by war.

The language held there, as to people out of doors who have doubted of the war, is retorted by the public voice with equal confidence and on better grounds. They rely upon your integrity and wisdom, and say that Congress cannot be so infatuated, destitute as they are of the means of aggression or defence, to draw upon themselves a war with one of the most powerful and formidable nations on the globe. If a war with Great Britain be thought unavoidable, yet, as she leaves to us the time of commencing it, surely we ought to select that time when the first shock shall be least disastrous, and can best be resisted. Why should we hurry into a war from which nothing but calamity can be expected? There is no danger that the redress of our wrongs, or the assertion of our rights, will be barred by the limitation of time. No time has existed for years past when we had less cause to complain of the conduct of Great Britain. Her vessels of war had all been

withdrawn from our coast, as he presumed, in order to avoid collisions and hostility. If the war be suspended till November, the Government and the people will both be better prepared to sustain it. He was not a friend to the restrictive system, but with a choice out of evils, he should prefer the embargo to war. Postpone the war, and we will submit to the embargo till November. This will furnish time for the return of your ships and seamen; and if, at the same time, you will abandon the non-importation act, you will replenish your Treasury with at least twelve millions of dollars, and restore to your citizens sixty millions now abroad, and in danger of being lost. It appeared to him that the course which had been pursued was the most preposterous imaginable. For eighteen months past, we had been sending our property out of the country, and not suffering it to return; and, while contemplating a war with Great Britain, we saw our effects to an immense amount accumulating in that kingdom, liable at any moment, to fall a prey to the Government, and to be employed in support of the war against us. He asked, why rush with this precipitancy into the war? Are you provided with means to annoy the enemy, or to defend yourselves? Have you an army or navy which can make any impression? Are your exposed towns fortified and garrisoned? Was any nation ever less prepared for war? It would require the whole military force that you now possess to constitute an adequate defence for New Orleans, New York, and Newport. It is very well known that the General who will command at New Orleans has declared to the Government, that he will not be answerable for the security of the place with less force than ten thousand men, which is equal to all the effective troops yet raised. It would be natural to suppose that no Government would declare war till it was prepared to attack its enemy. In peace we require no defence, and shall we declare war in order to defend ourselves? But what blow are you prepared to strike? Were you able in the summer to recruit your army of twenty-five thousand men, could it be employed in any service in the course of this year? A soldier is not made in a day. The authority of a foreign officer, now in this country, of the highest military reputation, he had heard frequently cited, that it required at least fourteen months to form a soldier of a recruit. This remark applied to France, where the officers have generally received a military education, and where there are so many models to imitate, and so many instructors to teach. But here the officer is to form as well as the soldier. The officer has to learn his lesson first, before he can prescribe the task of the soldier. You may possibly have a herd of men, but you can have no army to lead into service this season; and if this herd be led against disciplined troops, you can expect nothing but defeat and disgrace.

But you have not got, nor can you get the

men during the present year. These are not the days of Cadmus. It will require great patience and industry, and a considerable length of time, to collect twenty-five thousand men. Have you the least prospect, if you declare war, of attacking Canada this season? It is impossible that you can do it with effect. You will be sufficiently occupied in defending your frontiers against the savages.

It is not on land then that you expect immediately to assail your enemy. Is it on the ocean that the impression is to be made? You have twenty vessels of war—Britain upwards of a thousand. What will avail the activity or gallantry of your officers and seamen against such disparity of force? Your little Navy must fall immediately, or be driven from the ocean. Some gentlemen indulge great expectations from privateers; but has Great Britain any unarmed or unprotected trade which they can attack? Privateers have no other object than plunder and booty. They avoid armed vessels—and, defended as is the British commerce in every part of the world by her great naval force, it is little to be expected that privateering will be attended with much success or encouragement. But while we are searching for the means of annoying the commerce of Britain, does it become us to overlook at this moment the condition of our own? A valuable part of the trade from beyond the Cape of Good Hope has not yet arrived. Of the numberless vessels which sailed upon the eve of the embargo, few have returned. Your merchant vessels are without convoy and utterly defenceless. Your condition, therefore, is, that with more commerce exposed, your adversary will possess greater means of annoyance, and the consequence must be, that we shall lose infinitely more than we can expect to gain.

Under such circumstances, what should hurry us into the war? Are gentlemen afraid if they wait till November the world will not last long enough to afford them time to gratify in war their mighty resentment against Britain? He believed, as he hoped, that there was no honorable gentleman on the floor who would not live long enough to have a complete surfeit of the war, though it should be postponed for a few months.

The question on postponement was determined in the negative—yeas 11, nays 21.

On motion, by Mr. BAYARD, to postpone the further consideration of the bill to the third day of July next, it was determined in the negative—yeas 9, nays 23.

On motion by Mr. BAYARD, to postpone the further consideration of the bill to Monday next, it was determined in the negative—yeas 15, nays 17.

On motion, that the Senate adjourn, it was determined in the affirmative—yeas 18, nays 14.

So the Senate adjourned to 11 o'clock to-morrow.



*Executive Proceedings.*

THURSDAY, June 18.

On motion, by Mr. VARNUM,

*Resolved*, That the injunction of secrecy, in relation to the confidential Message of the President of the United States of the first instant, and also in relation to the private and confidential proceedings of the Senate since that date, be removed.

[*End of the confidential proceedings.*]

FRIDAY, June 26.

*Treasury Notes.*

The amendment to the bill, entitled "An act authorizing the issuing of Treasury Notes," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 23, nays 8, as follows:

YEAS.—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Lambert, Leib, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Bayard, Dana, German, Gilman, Goodrich, Hunter, Lloyd, and Pope.

SUNDAY, July 5.

*Volunteers Bill.*

The amendment to the bill, entitled "An act supplementary to the act, entitled 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 14, nays 6, as follows:

YEAS.—Messrs. Anderson, Bibb, Brent, Condit, Crawford, Franklin, Gaillard, Giles, Howell, Robinson, Smith of New York, Tait, Taylor, and Varnum.

NAYS.—Messrs. Bayard, Gilman, Goodrich, Leib, Lloyd, and Smith of Maryland.

So it was resolved, that this bill pass with an amendment.

MONDAY, July 6, 6 o'clock, p. m.

*Recess of Congress, and adjournment.*

The Senate proceeded to consider the resolution from the House of Representatives for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and concurred therein, and Messrs. ROBINSON and ANDERSON were appointed a committee on the part of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate of the United States:*

I transmit to the Senate copies and extracts of documents in the archives of the Department of State, falling within the purview of their resolution

of the fourth instant, on the subject of British impressments from American vessels. The information, though voluminous, might have been enlarged with more time for research and preparation. In some instances it might, at the same time, have been abridged, but for the difficulty of separating the matter extraneous to the immediate object of the resolution.

JULY 6, 1812.

JAMES MADISON.

The Message and documents were read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate, that the House, having finished the business before them, are about to adjourn.

Mr. ROBINSON, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

*Ordered*, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Agreeably to the joint resolution, the PRESIDENT then adjourned the Senate, to meet on the first Monday in November next.

*Executive Proceedings.*

[Confidential.]

SATURDAY, June 20, 1812.

A message from the House of Representatives, by Mr. HARPER and Mr. FISK, two of their members—Mr. HARPER, chairman.

*Mr. President:* The House of Representatives have passed a "resolution authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces," in which they request the concurrence of the Senate.

The resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in case it shall be deemed necessary, in order to vindicate the just rights, or to secure the safety of the United States, to invade the provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, or either of them, the President of the United States be, and he hereby is authorized and empowered to issue a proclamation, addressed to the inhabitants of said provinces, assuring them, in the name of the people of these States, that in case the said provinces, or any of them, shall come into the possession of this Government, the inhabitants of such province or provinces shall be secured and protected in the full enjoyment of their lives, liberty, property, and religion, in as full and ample manner as the same are secured to the people of the United States by their constitutions; and that the said proclamation be promulgated and circulated, in the manner which, in the opinion of the President, shall be best calculated to give it general publicity.

*Ordered*, That the resolution pass to a second reading.

FRIDAY, June 26.

*Occupation of the Floridas.*

A message from the House of Representatives by Messrs. MITCHELL and HALL, two of their members.

*Mr. President:* The House of Representatives have passed a bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," in which they request the concurrence of the Senate, and that the bill be considered confidentially.

The bill last brought up for concurrence was read, as follows:

"An Act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby authorized to occupy and hold, the whole or any part of East Florida, including Amelia Island, and also those parts of West Florida which are not now in possession and under the jurisdiction of the United States.

"*Sec. 2. And be it further enacted,* That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

"*Sec. 3. And be it further enacted,* That, for defraying the necessary expenses, one hundred thousand dollars are hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied to the purposes aforesaid, under the direction of the President.

"*Sec. 4. And be it further enacted,* That, until further provision shall be made by Congress, the President shall be, and he hereby is empowered to establish within the country he may acquire by this act, a temporary government, the civil and military authorities of which shall be vested in such person and persons as he may appoint, and be exercised in such manner as he may direct: *Provided,* That he shall take due care for the preservation of social order, and for securing to the inhabitants the enjoyment of their personal rights, their religion, and their property: *And provided, also,* That the section of country herein designated, that is situated to the Eastward of the river Perdido, may be the subject of further negotiation."

*Ordered,* That it pass to a second reading.

THURSDAY, July 2.

Agreeably to the order of the day, the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," was resumed, and considered as in Committee of the Whole; and Mr. GAILLARD was requested to take the Chair.

On motion by Mr. CRAWFORD, he was per-

mitted to amend his motion, made yesterday, as follows:

"*And be it further enacted,* That if the United States, in the prosecution of the present war against the United Kingdom of Great Britain and Ireland, should obtain possession of the British provinces in North America, or either of them, that the President of the United States be, and he is hereby authorized and empowered to establish within the same a temporary government; and the military, civil, and judicial powers thereof, shall be vested in such person and persons, and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of such province or provinces, in the full enjoyment of their property, liberty, and religion: *Provided,* That the principles upon which such temporary government shall be established, shall form no obstacle to the restoration of peace between the two nations."

And, on motion to agree to the amendment, it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS.—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Bayard, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Smith of Maryland, and Smith of New York.

On motion, by Mr. TAIT, to amend the bill as follows:

"*And be it further enacted,* That this act be not printed or published, unless directed by the President of the United States; any law or usage to the contrary notwithstanding."

On the question to agree to this amendment, it was determined in the affirmative—yeas 23, nays 7, as follows:

YEAS.—Messrs. Anderson, Bayard, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. German, Gilman, Goodrich, Horsey, Hunter, Lambert, and Lloyd.

The PRESIDENT resumed the Chair, and Mr. GAILLARD reported the bill, amended.

On the question, Shall this bill pass to a third reading, as amended? it was determined in the affirmative—yeas 15, nays 13, as follows:

YEAS.—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Gaillard, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Bayard, Dana, Franklin, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Smith of Maryland, and Smith of New York.

FRIDAY, July 3.

The amendments to the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," were reported by the com-

*Executive Proceedings.*

mitted correctly engrossed; and the bill was read the third time, as amended.

On motion, by Mr. BAYARD, to postpone the further consideration thereof to the first Monday in November next; it was determined in the negative—yeas 14, nays 16, as follows:

YEAS.—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Smith of Maryland, and Smith of New York.

NAYS.—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the negative—yeas 14, nays 16, as follows:

YEAS.—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Smith of Maryland, and Smith of New York.

So it was *Resolved*, That the Senate do not concur in the said bill.

## TWELFTH CONGRESS.—FIRST SESSION.

## PROCEEDINGS AND DEBATES

IN

## THE HOUSE OF REPRESENTATIVES.\*

MONDAY, November 4, 1811.

This being the day appointed by a proclamation of the President of the United States, of the twenty-fourth day of July last, for the meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

*From New Hampshire*—Josiah Bartlett, Samuel Dinsmoor, Obed Hall, John A. Harper, and George Sullivan.

*From Massachusetts*—Ezekiel Bacon, Abijah Bigelow, Elijah Brigham, William Ely, Isaiah L. Green, Josiah Quincy, William Reed, Ebenezer Seaver, Samuel Taggart, Peleg Tallman, Charles Turner, junior, Laban Wheaton, and Leonard White.

*From Rhode Island*—Richard Jackson, junior.

*From Connecticut*—Epaphroditus Champion, John Davenport, junior, Lyman Law, Jonathan O. Mosely, Timothy Pitkin, junior, Lewis B. Sturges, and Benjamin Tallmadge.

*From Vermont*—Martin Chittenden, James Fisk, Samuel Shaw, and William Strong.

## \* LIST OF REPRESENTATIVES.

*New Hampshire*—Josiah Bartlett, Samuel Dinsmoor, Obed Hall, John A. Harper, George Sullivan.

*Massachusetts*—Ezekiel Bacon, Abijah Bigelow, Elijah Brigham, William Ely, Isaiah L. Green, Josiah Quincy, William M. Richardson, Ebenezer Seaver, Samuel Taggart, Peleg Tallman, Charles Turner, jr., Laban Wheaton, William Widgery, Leonard White.

*Rhode Island*—Richard Jackson, jr., Ellaha E. Potter.

*Connecticut*—Epaphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Mosely, Timothy Pitkin, jr., Lewis B. Sturges, Benjamin Tallmadge.

*Vermont*—Martin Chittenden, James Fisk, Samuel Shaw, William Strong.

*New York*—Daniel Avery, Harmanus Bleecker, Thomas B. Cooke, James Emott, Asa Fitch, Thomas R. Gold, Robert Le Roy Livingston, Arunah Metcalf, Samuel L. Mitchell, Benjamin Pond, Peter B. Porter, Ebenezer Sage, Thomas Sammons, Silas Stow, Uri Tracy, Robert Whitehill.

*New Jersey*—Adam Boyd, Lewis Condit, Jacob Hufty, James Morgan, George C. Maxwell, Thomas Newbold.

*Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, Roger Davis, William Findlay, John M. Hyneman, Joseph Lefevre, Aaron Lyle, Abner Leacock, James Milnor, William Piper, Jonathan Roberts, William Rodman, Adam Seybert, John Smilie, George Smith, Robert Whitehill.

*From New York*—Daniel Avery, Harmanus Bleecker, Thomas B. Cooke, James Emott, Asa Fitch, Thomas R. Gold, Robert Le Roy Livingston, Arunah Metcalf, Samuel L. Mitchell, Benjamin Pond, Peter B. Porter, Ebenezer Sage, Thomas Sammons, Silas Stow, Uri Tracy, and Pierre Van Cortlandt, junior.

*From New Jersey*—Adam Boyd, Lewis Condit, Jacob Hufty, James Morgan, and Thomas Newbold.

*From Pennsylvania*—William Anderson, David Bard, Robert Brown, William Crawford, Roger Davis, William Findlay, John M. Hyneman, Joseph Lefevre, Aaron Lyle, James Milnor, William Piper, Jonathan Roberts, William Rodman, Adam Seybert, John Smilie, George Smith, and Robert Whitehill.

*From Delaware*—Henry M. Ridgely.

*From Maryland*—Stevenson Archer, Joseph Kent, Peter Little, Alexander McKim, Samuel Ringgold, and Robert Wright.

*From Virginia*—Burwell Bassett, James Breckenridge, William A. Burwell, Matthew Clay, John Dawson, Peterson Goodwyn, Aylett Hawes, John P. Hungerford, Joseph Lewis, junior, William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, junior,

*Delaware*—Henry M. Ridgely.

*Maryland*—Stevenson Archer, Joseph Kent, Philip Barton Key, Peter Little, Alexander McKim, Philip Stuart, Samuel Ringgold, Robert Wright.

*Virginia*—Burwell Bassett, John Baker, James Breckenridge, William A. Burwell, Matthew Clay, John Clapton, John Dawson, Peterson Goodwyn, Thomas Gibson, Edwin Gray, Aylett Hawes, John P. Hungerford, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jr., John Randolph, John Roane, Daniel Sheffey, John Smith, John Talliaferro, Thomas Wilson.

*North Carolina*—Willis Alston, William Blackledge, Thomas Blount, James Cochran, William Rufus King, Nathaniel Macon, Archibald McBride, Joseph Pearson, Israel Pickens, Richard Stanford, Lemuel Sawyer.

*South Carolina*—William Butler, John C. Calhoun, Legend Cheves, Elias Earle, William Lowndes, Thomas Moore, David R. Williams, Richard Wynn.

*Georgia*—William W. Bibb, Howell Cobb, Bolling Hall, George M. Troup.

*Kentucky*—Henry Clay, Joseph Deane, Richard M. Johnson, Samuel McKee, Anthony New, Stephen Ormsby.

*Tennessee*—Felix Grundy, John Ehea, John Serice.

*Ohio*—Jeremiah Morrow.

*Mississippi Territory*—George Poindexter, *Delagata*  
*Indiana Territory*—Jonathan Jennings, *Delagata*

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Proceedings.

[H. OF R.]

John Randolph, John Roane, Daniel Sheffey, John Smith, and Thomas Wilson.

*From North Carolina*—Willis Alston, William Blackledge, Thomas Blount, William R. King, Nathaniel Macon, Joseph Pearson, Israel Pickens, and Richard Stanford.

*From South Carolina*—William Butler, Langdon Cheves, Elias Earle, William Lowndes, Thomas Moore, and David R. Williams.

*From Georgia*—William W. Bibb, Howell Cobb, Bolling Hall, and George M. Troup.

*From Kentucky*—Henry Clay, Joseph Desha, Richard M. Johnson, Samuel McKee, Anthony New, and Stephen Ormsby.

*From Tennessee*—Felix Grundy, and John Rhea.

*From Ohio*—Jeremiah Morrow.

*From Mississippi Territory*—George Poindexter, Delegate.

*From Indiana Territory*—Jonathan Jennings, Delegate.

And a quorum, consisting of a majority of the whole number of Members, being present, the House proceeded, by ballot, to the choice of a Speaker; and, upon examining the ballots, it appeared that HENRY CLAY, one of the Representatives for the State of Kentucky, was duly elected; Whereupon,

Mr. CLAY was conducted to the Speaker's chair, and the oath to support the Constitution of the United States, as prescribed by the act, entitled "An act to regulate the time and manner of administering certain oaths," was administered to him by Mr. FINDLAY, one of the members for the State of Pennsylvania; after which, he made his acknowledgments to the House, in the following words:

"GENTLEMEN: In coming to the station which you have done me the honor to assign me—an honor for which you will be pleased to accept my thanks—I obey rather your commands than my own inclination. I am sensible of the imperfections which I bring along with me, and a consciousness of these would deter me from attempting a discharge of the duties of the Chair, did I not rely, confidently, upon your generous support.

Should the rare and delicate occasion present itself, when your Speaker shall be called upon to check or control the wanderings or intemperance in debate, your justice will, I hope, ascribe to its interposition the motives only of public good and a regard to the dignity of the House. And in all instances, be assured, gentlemen, that I shall, with infinite pleasure, afford every facility in my power to the despatch of public business, in the most agreeable manner."

The oath or affirmation to support the Constitution of the United States was then administered, by the SPEAKER, to all the other members present.

GEORGE POINDEXTER, and JONATHAN JENNINGS, having also appeared, and produced their credentials as the delegates from the Mississippi and Indiana Territories of the United States, the oath was administered to them by the Speaker.

The House proceeded, by ballot, to the choice of a Clerk, and, upon examining the ballots, it appeared that PATRICK MAGRUDER was duly

elected, and the oath, together with the oath of office, administered by the Speaker to the Clerk.

THOMAS DUNN was then re-elected Sergeant-at-Arms, and THOMAS CLAXTON, Doorkeeper, without opposition. BENJAMIN BURCH was also chosen Assistant Doorkeeper.

The usual messages were interchanged with the Senate on the subject of their being formed and ready to proceed to business.

Mr. MITCHELL and Mr. PITKIN were appointed a committee on the part of the House, jointly with the committee appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. MITCHELL, from the joint committee appointed to wait on the President of the United States, reported that the committee had performed the service assigned to them, and that the President answered, that he would make a communication to Congress to-morrow at twelve o'clock.

#### TUESDAY, November 5.

Several other members, to wit, ABNER LA-COCK, from Pennsylvania; JOHN BAKER, from Virginia; and RICHARD WYNN from South Carolina, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. NEWTON, the Clerk of the House was directed to procure newspapers from any number of offices that the members may elect, provided that the expense do not exceed the amount of three daily papers.

A Message was received from the PRESIDENT OF THE UNITED STATES, by Mr. EDWARD COLES, his Secretary, who delivered the same and withdrew. [For which see Senate proceedings of this date, *ante* page 401.]

The Message having been read, and the documents accompanying it in part, an adjournment was called for, and carried.

#### WEDNESDAY, November 6.

Two other members, to wit: MESHACK FRANKLIN, from North Carolina, and JOHN C. CALHOUN, from South Carolina, produced their credentials, were qualified, and took their seats.

#### THURSDAY, November 7.

Another member, to wit, LEMUEL SAWYER, from North Carolina, appeared, produced his credentials, was qualified, and took his seat.

#### FRIDAY, November 8.

Another member, to wit, JOHN SEVIER, from Tennessee, appeared, produced his credentials, was qualified, and took his seat.

## MONDAY, November 11.

Several other members, to wit: WILLIAM WIDGEY, from Massachusetts; GEORGE O. MAXWELL, from New Jersey; and PHILIP B. KEY, and PHILIP STUART, from Maryland, appeared, produced their credentials, were qualified, and took their seats.

## TUESDAY, November 12.

*Select Committees.*

All the select committees which were thought necessary, being appointed, it was determined that the first, on Foreign Relations, should consist of nine members; the committee on the Spanish colonies and Navy concerns, to consist of seven members; and those on manufacturing cannon and Indian affairs, to consist of five members.

The resolutions, as amended, are in the following words:

1. *Resolved*, That so much of the President's Message as relates to the subject of our foreign relations, be referred to a select committee.

2. *Resolved*, That so much of the President's Message as relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force; to the acceptance of volunteer corps; to detachments of militia, and to such a preparation of the great body as will proportion its usefulness to its intrinsic capacity, be referred to a select committee.

3. *Resolved*, That those parts of the Message of the President which relates to the Naval force of the United States, and to the defence of our maritime frontier, be referred to a select committee.

4. *Resolved*, That so much of the President's Message as relates to the revenue and the provisions necessary for the service of the ensuing year, be referred to the Committee of Ways and Means.

5. *Resolved*, That so much of the President's Message as relates to the evasion and infraction of our commercial laws, be referred to the Committee of Commerce and Manufactures.

6. *Resolved*, That so much of the President's Message as relates to foreign trading licenses, and to the protection of manufactures and navigation, be referred to the Committee of Commerce and Manufactures.

7. *Resolved*, That so much of the President's Message as relates to the Spanish American colonies, be referred to a select committee.

8. *Resolved*, That so much of the said Message as relates to the manufacture of cannon and small arms, and the providing munitions of war, be referred to a select committee.

9. *Resolved*, That so much of the said Message as relates to Indian affairs, be referred to a select committee.

Mr. Porter, Mr. Calhoun, Mr. Grundy, Mr. Smilie, Mr. Randolph, Mr. Harper, Mr. Key, Mr. Desha, and Mr. Seaver, were appointed the committee on the first resolution.

Mr. Williams, Mr. Wright, Mr. Macon, Mr.

Nelson, Mr. Stow, Mr. Maxwell, and Mr. Tallmadge, were appointed the committee on the second resolution.

Mr. Cheves, Mr. Newton, Mr. Milnor, Mr. Quincy, Mr. Cooke, Mr. McKim, and Mr. Fisk, were appointed the committee on the third resolution.

Mr. Mitchell, Mr. Bibb, Mr. Blackledge, Mr. Taggart, Mr. Champion, Mr. Butler, and Mr. Shaw, were appointed the committee on the seventh resolution.

Mr. Seybert, Mr. Little, Mr. Goodwyn, Mr. Tracy, and Mr. Sturges, were appointed the committee on the eighth resolution.

Mr. McKee, Mr. Sevier, Mr. Morrow, Mr. Sheffey, and Mr. Brown, were appointed the committee on the ninth resolution.

And then, on motion the House adjourned until to-morrow.

## WEDNESDAY, November 13.

Another member, to wit, THOMAS GHOLSON, from Virginia, appeared, produced his credentials, was qualified, and took his seat.

*Matthew Lyon's Claim for refunding his Fine under the Sedition Act.*

The SPEAKER presented a memorial of Matthew Lyon, of Kentucky, stating that, whilst a member of the House of Representatives of the United States, from the State of Vermont, he was illegally tried and found guilty, under a charge of sedition, and fined the sum of one thousand dollars, and imprisoned twelve months, and praying that the said fine may be repaid, with interest, together with his pay as a member of Congress, which was withheld during his confinement.

The petition being read,

Mr. NEW moved that it be referred, with the accompanying documents, to the Committee of Claims.

Mr. BASSETT was opposed to this reference. If the petitioner had any claim upon the United States, it must be on the ground that the law under which he was convicted was unconstitutional. A claim of this kind could not be recognized by that committee. He thought, therefore, it would be more proper to refer this petition to a select committee. This was desirable, also, from the consideration that the Committee of Claims is generally overburdened with business.

Mr. NEW said, it having been represented to him that it would be most proper to refer the petition to a select committee, he would so change his motion.

Mr. RANDOLPH had no doubt it would be recollected, that at the first session of Congress under the administration of the present President, the session which met in May, 1809, a committee was raised "to inquire whether any and what prosecutions had been instituted before the courts of the United States for libels at common law, and to report such provisions

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*Matthew Lyon's Claim.*

[H. OF R.]

as in their opinion may be necessary for securing the freedom of speech and of the press." Congress adjourned after a short session in June. The chairman of that committee was directed to address letters to the clerks of the several courts in which such prosecutions had been commenced. To some of these letters answers were received after the adjournment. These answers received in the recess (all except one, which the chairman had found amongst his private papers since the meeting of the present session) were transmitted to the clerk of this House, in whose possession it is presumed they now are. The chairman of that committee, at the two succeeding sessions, was, by the visitation of God, and from circumstances without his control, for the first time since he had the honor of a seat on this floor, prevented from attending to his duty till the sessions had considerably advanced; otherwise he would have felt it obligatory on him to have called the attention of Congress to this subject. It was his intention, at the present session, without knowing any thing of this petition, to have called the attention of the House to it, amongst others, at an early day. He thought it behooved this House, as the guardian of the public purse and public weal, to take care that the stream of public justice be preserved pure and free from pollution; and whether persons have suffered by prosecutions under the sedition law, or under the common law of England—not the common law of the United States, as modified by the laws of the United States in their corporate capacity—he was for affording them relief. He wished to see if any of our citizens had received injury from prosecutions of this kind; and, if they had to redress the wrong by such a prospective measure as may prevent a recurrence of similar mischief.

It seems idle, said Mr. R., for any man to undertake, by statute, to do that which the great charter of our confederation has endeavored to do in vain. It is, it appears, impossible to prevent men, heated by party, and seeking only the gratification of their own passions, from trampling in the dust the charter which we have sworn to support; for though our constitution has said, in the broadest terms which our language knows, that the freedom of speech and of the press shall not be abridged, men have been found so lost to all sense of their country's good, as to pass the act, commonly called the sedition act, and to send out our judges to dispense, not law, but politics from the bench. It would seem idle to attempt to prevent, by statutory provisions, similar abuses. But though, formed as we are, we cannot attain perfection, we ought, in imitation of a divine example, to aspire to it, and endeavor to preserve in purity the great Magna Charta of our country.

This subject, Mr. R. said, might appear frivolous to others. He knew that men, intent on worldly things, with their snouts grovelling in the mud, who hold every thing but sordid pelf,

and still more disgraceful office, as dress and dust, would not think it worth while to attend to things of this kind. Nor did he wish to set himself up for a political Pharisee, and thank God that he was not as other men are.

Mr. R. moved to amend the reference, by adding to it the following:

"With instructions to inquire whether any, and what, prosecutions have been instituted before the courts of the United States for libels, under the sedition law or the common law, and by what authority; and to make such provisions as they may deem necessary for securing the freedom of speech and of the press."

Mr. R. hoped this amendment would be agreed to; for, said he, it is evident that when we came into power, when we succeeded to our predecessors, proper measures were not taken for purifying the violent temper of the day—for preventing the recurrence of prosecutions of this kind. He recollected having heard, at the close of the administration of the second President of the United States, one of the most beautiful pieces of declamation, from a gentleman from South Carolina, which he had ever heard, in which he conjured the House to reenact the sedition act, because, said he, we are about to surrender the Government into the hands of men in whom we have no confidence, and I wish to retain this law as our shelter, because, by this, if we are prosecuted for a libel, we can give the truth in evidence. Mr. R. said he listened to the gentleman, but he thought he was taking for talking's sake. He did not believe that himself believed a word of what he said. Mr. R. did not suppose that a prosecution at common law, for a libel, could take place under a republican administration. He thought the gentleman was making the best apology he could for the sedition law, and that he was glad to find himself in a minority on his motion for continuing it. But, said he, experience teacheth. I find it possible even for the Pharisees themselves sometimes to alide, sometimes to fall. He thought it due to our country, and to ourselves, that whatever abuses exist, without stopping to inquire whether the sufferer be a Catholic or a Protestant, a Federalist, a Democrat, or a monarchy man, to redress the wrong. What would be said in a court of justice in a case of murder? It would not be thought worth while to inquire what was the offender's politics, or whether honest or the contrary. He considered honest men as of right politics. It unfortunately happens, said he, that some men make up in zeal what they know themselves to be deficient in honor and honesty.

The amendment was agreed to and the petition referred to a committee of seven, consisting of Mr. NEW, Mr. RANDOLPH, Mr. WRIGHT, Mr. TROUP, Mr. WHITEHILL, Mr. MOSELY, and Mr. COOK.

THURSDAY, November 14.

Another member, to wit, JOHN OLOFTON,

from Virginia, appeared, produced his credentials, was qualified, and took his seat.

FRIDAY, November 15.

*Indian Affairs.*

Mr. RHEA proposed the following resolution for adoption:

"Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of extending the laws of the United States over those parts of the States and Territories of the United States, to which the Indian title is not extinguished, in such manner as that all white persons residing within any of the said parts of the United States may and shall be liable to the operation of those laws."

Mr. R. added, that if the petitions which had this morning been presented by the gentleman from North Carolina had been read, the necessity of taking some measure similar to the one which he proposed, would have been evident to every member of the House, as the Indian countries are become an asylum for persons guilty of every enormity.

Mr. PICKENS stated, that if any doubt existed as to the propriety of passing this resolution, he would call for the reading of the petitions which he had presented.

Mr. WRIGHT had some doubts whether the laws of the United States did not at present extend to cases of this kind, and wished the resolution to lie on the table until the subject could be looked into.

Mr. BIBB said, a case had lately occurred in the State of Georgia, which showed the necessity of some farther provision on this subject. A murder of a most atrocious kind had been committed within the Indian country; the parties were taken near the spot, and brought before the federal authority in Georgia; and upon a question of jurisdiction, the judges decided that the court had no authority in the case. In a similar instance, the offenders were brought before the State authorities, which determined in the same way, and the offenders, of course, were in both cases discharged.

Mr. GRUNDY was of opinion that the United States courts had, at present, complete jurisdiction of all criminal cases which might arise within the Indian boundary, the case cited by the gentleman from Georgia notwithstanding; but he supposed the object of this resolution was to supply the defects of the law at present in civil cases.

Mr. POINDEXTER had no doubt but the courts of the United States had jurisdiction of criminal offences, committed within the Indian boundary. Congress, at their first session, made provision for the punishment of offenders charged with murder, piracy, &c., committed on the high seas or without the territory of the United States. But the difficulty suggested by the gentleman from Tennessee existed. Persons who have committed petty offences and debtors go over to the Indian territory, where

the law cannot reach them. He doubted whether the resolution was calculated to reach this object, and therefore wished it to lie on the table that it might be amended.

Mr. RHEA hoped he might be permitted to judge for himself whether the resolution which he had offered was calculated to accomplish the object which he had in view. His colleague had intimated that the laws, at present, extend to criminal offences, though the gentleman from Georgia had stated a case in which the judges had determined otherwise. This shows, at least, that the law wants revision, not only with respect to criminal, but civil matters. He had drawn the resolution in the most general terms.

Mr. BIBB could not conceive how the judges of the Federal Court, in the case he had cited, could have decided as they did with the law which had been referred to before them. Perhaps it might have arisen from a clause of the constitution, which directs that jurors shall be drawn from the district where the offence is committed.

The resolution was laid on the table.

*Domestic Manufactures.*

Mr. RHEA called up for consideration the resolution which he laid upon the table yesterday, proposing an additional duty on coarse hemp and flax.

The resolution was considered, and, on motion, the words "and cotton," were added to it, by consent of the mover.

Mr. GRUNDY observed, that several detached resolutions for the encouragement of domestic manufactures had been offered to the House. He wished the adoption of a proposition which should include all the manufactures of the country. He hoped the present motion might lie on the table for a few days, until such a proposition could be prepared. It is, said he, an object of great magnitude, when we consider the vast sums of money which have lately been vested in establishments of this kind; and the present is a favorable moment for adopting some measures to give our manufactures countenance and support.

Mr. RHEA could not agree to the proposed postponement. He should never obtain his object, if he were to agree to one postponement after another. His colleague could, at any time, submit his proposition, without hindering the progress of the one he had introduced.

After some conversation as to the propriety of discussing this proposition in the House, the SPEAKER decided, that though there is a rule of the House which says that all propositions for laying a tax shall be discussed in Committee of the Whole; this resolution, in his opinion, did not come within that rule, as it was merely an instruction to a committee to inquire into the expediency of laying an additional tax.

The motion, for laying the proposition on the table, was carried, 51 to 47.



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*Expenditure of Public Money.*

[H. OF R.]

*American Seamen.*

Mr. MILNOR rose, and observed there was no topic more important than the protection of American seamen, and yet he believed it would be acknowledged by all who have given consideration to the subject, that our laws on this subject are materially defective. The object of these laws ought to be twofold; in the first place, for the protection of *bona fide* American citizens, and secondly, for the prevention of the abuse of those protections by citizens of other countries not entitled to them. It will be recollected, that the act for relief of American seamen makes it the duty of the collectors to furnish certificates of citizenship in the manner therein directed; but, owing to an error of Congress, no manner is prescribed; and, of course, the collectors have been left to accept of such proof as they deemed sufficient, or to act under the directions of the Secretary of the Treasury, which, in most instances, is an unsafe way of proceeding. The penal laws of the United States provide no punishment for the crime of perjury in these cases. A recent instance, Mr. M. said, had occurred in the district which he represented. An Italian, not twenty days in the country, appeared before a notary public, claiming the rights of an American seaman. He made the necessary oaths, and produced a sponsor who swore that he was born in Baltimore. The tongue of the man detected the falsehood. The collector, with that attention to his duty for which he is so remarkable, had both seaman and sponsor apprehended. The attorney for the district looked into the case, and found the crime of perjury to be, the falsely taking an oath according to the laws of the United States; but, as the law was defective, as above stated, the offence was not perjury. The Attorney-General confirmed this opinion. The offenders, therefore, escaped punishment. He believed other amendments might be usefully made to the law on this subject. He concluded by offering the following resolution for adoption, which was agreed to:

"Resolved, That a committee be appointed to inquire and report whether any, and what amendments are necessary to the laws of the United States relating to the protection of American seamen; and that the committee have leave to report by bill or otherwise."

Mr. MILNOR, Mr. LITTLE, Mr. REED, Mr. BASSETT, and Mr. FITZIN, were appointed the committee.

MONDAY, November 18

*Expenditure of Public Money.*

Mr. RANDOLPH asked for the consideration of the resolution which he laid on the table some days ago, directing the appointment of a committee to inquire into the expenditure of public money; which, being agreed to, Mr. R. trusted there would be no difference of opinion as to the propriety of agreeing to this resolution. But, before the vote was taken, he would state to the House, by way of explanation, the result

of a former inquiry. At the first session of the 11th Congress, a report of a committee was made, in part, on this subject. [This report Mr. R. read. It states that, owing to the shortness of the session, complete information on the subject could not be obtained.] As the session lasted but six weeks, the committee had no reason to complain that the information required was not obtained. An expectation was entertained that it would be given at the next session. But the committee have reason to complain that the information which was given was altogether different from that which was asked. This was represented to the departments, and a more satisfactory report was promised at the ensuing session. Mr. R. said, the course pursued at the first session, under the present President, had been the same which was adopted at the close of Mr. Adams's Administration. At the following session of Congress, the person who was appointed chairman of the committee of the first session, was unable to attend; but it was a gratification to him to find, that the subject was taken up by an honorable colleague of his, to whom the State of Virginia had been more than once indebted for the luminous reports on her fiscal concerns; but nothing was effected. To show how different the information received was, from that asked for, Mr. R. proposed to read a short letter. The object of the committee was, to know in what way the Pursers of the Navy received their money, and what was the amount of their emoluments. The answer they received, stated "that the advances made to Pursers are by warrants drawn on the Treasury, sometimes by Navy agents," &c. We inquired, said he, what were their emoluments, other than those allowed by law? Answer: "they arise from a certain percentage upon *slopes* detailed to the seamen." It may not be amiss, said Mr. R., to inform country gentlemen that, by *slopes*, are meant ready-made clothing, &c. It was scarcely possible to have given a more evasive answer. We asked, What were the emoluments? They answer, "a certain percentage fixed by the department;" but what that per cent. was, the committee was left to find out by instinct. It had been understood that large sums of money were advanced to these Pursers, who laid it out in *slopes*, which they retailed to the seamen at an advance, in some instances, of twenty per cent. This was a fact, Mr. R. said, which ought to be looked into. It was essential to the reputation of the Government, essential to its honor, indispensable to the fair fame of those who administer the finances of the United States, that abuses, such as these, should be probed to the quick, to show to the world that, if we cannot govern the great beasts, the mammoths of the forest, we can, at least, poison the rats. And whose money, asked Mr. R., is this? It is the people's money; it comes from the pockets of the people of the United States. When he spoke of this abuse of public money, he wished no gentleman to understand him as

speaking of the abuse under this, that, or the other President of the United States. He considered them all as of one description of people; and it was not less necessary to guard against abuses in a country where the President is elected by the people, than in a country where he is put over them. He would dare to question the infallibility of all, and look upon all with jealousy and distrust. He wished not, however, to be charged with that mistaken opposition to the Government, which determines to exhibit abuses for the sake of doing so; or with shutting his eyes to the abuses of *Thomas*, while they are open to the abuses of *John*. Mr. R. said he had no interest distinct from the interest of his country. With respect to princes and potentates, the only favor he had to ask of them was, that they would keep their hands out of his pocket and off his person, and, to use a homely phrase, "if they would let him alone, he would let them alone."

Under these circumstances, Mr. R. asked the House if it were not necessary for a committee to be appointed to probe into this business? He wished to state, before he sat down, that he had learnt, soon after the present Secretary of the Navy came into office, the percentage of the Purser's was reduced from twenty to four or five per cent.

The resolution was unanimously agreed to, and a committee of seven appointed, as follows: Messrs. RANDOLPH, GOLD, McKIM, ROBERTS, JOHNSON, LAW, and WIDGERY.

TUESDAY, November 19.

*Territory of Louisiana.*

On motion of Mr. RHEA, the House went into a Committee of the Whole, on the bill for the government of the Territory of Louisiana. The bill being read by paragraphs, Mr. FISK moved to strike out the words in the fifth section of the bill, which makes it necessary for persons to be in possession of a freehold to have a right to vote. This motion was opposed by Mr. RANDOLPH, on principle, in a speech of considerable length, in which he advocated the freehold qualification for voters. The motion was opposed also by Mr. RHEA, as unnecessary for the attainment of the mover's object; as he stated the qualification for voters was twofold—one was the possession of a freehold, the other a residence of a year previous to the time of election.

Mr. POINDEXTER made a motion, which superseded that of the gentleman from Vermont, to strike out all that part of the section which defined the qualification of voters, and insert, "every free white male citizen residing in the said Territory, who shall have attained the age of twenty-one years, and paid a tax."

This amendment was debated till the usual hour of adjournment, when the committee rose without taking the question, and obtained leave to sit again.

This debate, though protracted to consider-

able length, embraced a very narrow question, viz: whether it is better to require voters to hold freehold property, or to suffer every man to possess the privilege of voting who has arrived to the age of twenty-one years. As already stated, Mr. RANDOLPH took the first ground, and introduced the practice of Virginia to show that it was attended with the best effects. Mr. FISK, Mr. WRIGHT, Mr. SMITH, and Mr. POINDEXTER, took the opposite side of the question. They argued that life and liberty are superior to property—that these are dearer to the poor man than all the property of the rich. Mr. WRIGHT said, that the State of Maryland had tried the property qualification for voting, had found it attended with bad effects, and had now abandoned it. It was formerly required that a voter should be possessed of property to the value of thirty pounds; so that if a man possessed a horse of that value, he was entitled to a vote; but if the horse happened to die before the election, he lost his privilege, which was placing the right in the *horse* instead of the *man*. As to freehold qualifications, they were evaded too by deeds made for the occasion, which were afterwards cancelled.

Mr. RANDOLPH, in combating the principle of universal suffrage, said that it was impossible for the gentleman himself, (alluding to Mr. SMITH,) or any piping-hot member from a Jacobin club—for any disciple of *Tom Paine* or of the *Devil*—to carry this principle of equality to its full extent; for even they must exclude from its operation minors and females. He also took occasion to pronounce a strong philippic against foreigners having any part in the Government. Mr. SMITH, in his reply, paid a tribute of respect to the memory of Paine, on account of his valuable political writings, which had been considered as highly serviceable in the Revolution, and which would always be esteemed wherever the *rights of man* are understood, and reminded him of the foreigners who had assisted in fighting our Revolutionary battles. Mr. RANDOLPH justified his allusion to Paine; said he was sorry the gentleman had not recollected his "Age of Reason," as well as his "Rights of Man;" and as to any services which he rendered by his writings, he thought little of them. The heroes engaged in that great cause did not need the assistance of an English *staymaker*. In reply, Mr. SMITH said, he never interfered with a man's religious opinion; that was a private concern, which lay between God and a man's own conscience; and as to the profession of Paine, that, he apprehended, would never lessen the value of his writings.

WEDNESDAY, November 20.

Another member, to wit, ARCHIBALD Mc-BRYDE, from North Carolina, appeared, produced his credentials, was qualified, and took his seat.

THURSDAY, November 21.

Another member, to wit, ELISHA R. POTTER,

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*Additional Duties.*

[H. OF R]

from Rhode Island, appeared, produced his credentials, was qualified, and took his seat.

*Additional Duties.*

On motion of Mr. RHEA, the House took up for consideration the resolution which he had submitted some days ago, proposing to instruct the Committee of Commerce and Manufactures to inquire into the expediency of laying an additional duty on coarse manufactures of hemp, flax, and cotton.

This resolution produced a long desultory debate, which occupied the House the whole of the day, without coming to any decision upon it.

Mr. STANFORD, on the ground that the Committee of Commerce and Manufactures had already this subject under consideration, moved an indefinite postponement of the resolution.

This motion was negatived, 58 to 48.

Mr. KINE proposed an amendment. He expressed himself friendly to the resolution of the gentleman from Tennessee, and to the encouragement of domestic manufactures generally. His amendment was in the following words :

"And also into the expediency of laying a duty on the importation of salt, with authority to report by bill or otherwise.

Mr. K. observed, that this was an article of general consumption, and its manufacture ought to be encouraged; as it was known what difficulties this country had experienced, and might again experience, when placed in a situation in which a sufficiency of salt could not be obtained. He hoped, therefore, his amendment would be agreed to.

Mr. SMILIE was afraid the House was getting into a practice that would produce great trouble and confusion, by departing from the usual and settled mode of proceeding. It had always been deemed irregular, when a subject was committed, to bring it forward in the House before the committee made its report. Look at our situation, said he. A gentleman proposes a tax on manufactures of cotton, another on salt. Every gentleman has his favorite manufacture which he wishes encouraged, so that an armful of resolutions will be thrown into the hands of this committee. Mr. S. said he was friendly to the manufactures of our country, and was willing to give them every aid; but he did not wish, in doing this, to break through established rules. If gentlemen would suspend their remarks on the subject until the Committee of Commerce and Manufactures make their report, they will then have a fair opportunity of delivering their sentiments fully, and of supporting such particular manufactures as they may deem of most importance to the country. He hoped that neither the amendment nor the resolution would be agreed to.

Mr. ALSTON considered the gentleman from Pennsylvania mistaken as to the rule and practice of the House. If the doctrine which he maintains were correct, gentlemen might be

defeated in effecting the objects which they have in view. It was only to refer a subject to a committee; and if a majority of that committee were unfriendly, and either failed to report, or reported inimically, the friends of the measure might be defeated, though there were a majority in the House in its favor. It was a common practice, Mr. A. said, to refer a subject generally to a committee, and afterwards instruct them, by resolution, as to particular branches of the subject.

Mr. NEWTON (the Chairman of the Committee of Commerce and Manufactures) said, the subject of manufactures was considered as being generally before them, and he knew it to be the intention of the committee to take up the matter comprehensively; and if any gentleman shall think proper to give them information respecting any particular manufacture, either orally or in writing, they will be glad to receive it. Mr. N. thought the gentleman from North Carolina (Mr. ALSTON) was mistaken, when he said that a committee had the power of defeating the purposes of members; because, whenever a report was made, it was in the power of a majority of the House to amend it, and make it just what they please.

Mr. QUINCY was in favor of the amendment offered by the gentleman from North Carolina, (Mr. KINE,) and thanked him for bringing it forward. Some of his constituents, men who lived on the sandbanks of the country, were deeply interested in the manufacture of salt, and had been nearly ruined by the repeal of the duty on that article. He was friendly to a duty on salt, as it was more equal and less felt in the payment than any other, and he had always thought it strange that the duty had been repealed.

Mr. MACON thought the proposition to tax this necessary of life, at a time when it is probable we may find a difficulty in procuring it in sufficient quantity, was very ill-timed. The repeal of this duty had been called strange. He thought it would have been more strange had Congress continued the duty when the Treasury was not in need of the money arising from it. If there was any thing strange in the business, it was that there should have been any opposition to the repeal. Mr. M. agreed with the remark made by a gentleman from Massachusetts some days ago, that taxes, to be just, ought to be equal. Would a tax on salt, he asked, be equal? It certainly would not. People on the seacoast would not feel it. Their cattle would refuse it, if given to them. The interior of the country, the people from East to West, would have to bear the weight of this tax. But the gentleman from Massachusetts says the repealing of this duty ruined his constituents, who live on the sandbanks of the country. He would not consent, however, to tax the people of his part of the country, living on sandhills, to support that gentleman's sandbank constituents.

But this duty, it is said, is to be laid to en-

courage manufactures. Why this great cry about domestic manufactures? He thought they had already sufficient encouragement from the present situation of things. The President had recommended the subject to the consideration of the House, and he had no doubt the committee, to whom it had been referred, would do what is proper on the subject. Mr. M. wished to know for what purpose this additional duty is wanted. If, said he, it be wanted for going to war, let us know it. For his part, he had heard so much about war formerly, that he hardly thought we should get at it now.

Mr. M. said on a former occasion, when the country was in a situation something like the present, a gentleman from Virginia was so alarmed lest salt sufficient could not be had, that he proposed a bounty on its importation. What, said Mr. M., will be the effect of a proposition for taxing salt in the country? He had no doubt that, in the Southern States, it would immediately raise the price of the article at Petersburg and Fayetteville. On this account, he hoped, if the House did not mean to lay a tax on salt, that the proposition would be immediately discarded. For himself, he would sooner consent to a land or poll tax than a tax on salt.

Mr. SMILIE moved a postponement of the resolution until the first Monday in February next.

This motion was debated at some length. Some who wished to vote for it, wished the proposition for a tax on salt to be disconnected with the original proposition.

FRIDAY, November 22.

Another member, to wit, EDWIN GRAY, from Virginia, appeared, produced his credentials, was qualified, and took his seat.

#### *Apportionment of Representatives.*

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole, on the bill for apportioning the Representatives among the several States, according to the third enumeration.

The bill having been read, the question on filling the blanks occurred. The first was in relation to the number of inhabitants for each Representative; when

Mr. DAWSON observed, that he was instructed by the committee who directed him to report this bill, to propose filling the blank with the words *forty thousand*; but he should himself vote against filling the blank with this number, because it would deprive the State of Rhode Island of one-half of her present Representatives; it would deprive Connecticut and Maryland each of one member, and Virginia of two. He should, therefore, be in favor of filling the blank with 37,000, as this number would not deprive any State of a Representative, and it would only increase the present number of Representatives from 142 to 180.

Mr. DAWSON then moved, that the said blank be filled with the words "thirty-seven thou-

sand;" and the question thereon being taken, was resolved in the affirmative—yeas 102, nays 18.

Mr. DAWSON moved to fill the other blanks in the bill, as follows: New Hampshire, five members; Massachusetts, eighteen; Vermont, five; Rhode Island, two; Connecticut, seven; New York, twenty-five; New Jersey, six; Pennsylvania, twenty-one; Delaware, one; Maryland, nine; Virginia, twenty-two; North Carolina, thirteen; South Carolina, nine; Georgia, five; Kentucky, ten; Ohio, six; and Tennessee, six.

The bill was ordered to be engrossed for a third reading, and the House adjourned.

MONDAY, December 2.

JOHN TALLAFERRO, who has been declared entitled to a seat in this House, as one of the members for Virginia, in the place of John P. Hungerford, who has been declared not entitled to a seat in this House, appeared, was qualified, and took his seat.

FRIDAY, December 6.

Mr. EMOTT presented a petition of Harrison and Lewis, of the city of New York, merchants, praying permission to import from the British West India Islands, goods to the amount of debts owing to them by certain inhabitants in said islands.—Referred to the Committee of Commerce and Manufactures.

Mr. SMILIE presented a memorial of the President and Managers of the Union Canal Company of Pennsylvania, praying the aid and patronage of the General Government in accomplishing the extensive and useful works in which they are engaged; which was read, and referred to a select committee.

MESSRS. SMILIE, RIDGELY, RINGGOLD, BAKER, and BLACKER, were appointed the committee.

A message from the Senate informed the House that the Senate *insist* on their amendments, disagreed to by this House, to the bill "for the apportionment of Representatives among the several States according to the third enumeration;" agree to the proposed conference, and have appointed managers on their part at the same.

#### *Foreign Relations.*

The House resolved itself into a Committee of the Whole on the state of the Union, to which Committee of the Whole was committed the report of the Committee on Foreign Relations, made some days ago.

The report having been read—

Mr. PORTER said that the House were probably expecting from the Committee of Foreign Relations some explanations of their views in reporting the resolutions now under consideration, in addition to the general exposition of them contained in the report itself. The committee themselves felt that such explanations were due, inasmuch as they had only reported in part, and had intimated their intention to follow up these resolutions, should they be adopted, by the recommendation of ulterior measures.

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*Foreign Relations.*

[H. OF R.]

The committee, Mr. P. said, after examining the various documents accompanying the President's Message, were satisfied, as he presumed every member of the House was, that all hopes of accommodating our differences with Great Britain by negotiation must be abandoned. When they looked at the correspondence between the two Governments; when they observed the miserable shifts and evasions (for they were entitled to no better appellation) to which Great Britain resorted to excuse the violations of our maritime rights, it was impossible not to perceive that her conduct towards us was not regulated even by her own sense of justice, but solely by a regard to the probable extent of our forbearance. The last six years had been marked by a series of progressive encroachments on our rights; and the principles by which she publicly upheld her aggressions, were as mutable as her conduct. We had seen her one year advancing doctrines, which the year before she had reprobated. He had seen her one day capturing our vessels under pretexts, which on the preceding day she would have been ashamed or afraid to avow. Indeed, said Mr. P., she seems to have been constantly and carefully feeling our pulse, to ascertain what potions we would bear; and if we go on submitting to one indignity after another, it will not be long before we shall see British subjects, not only taking our property in our harbors, but trampling on our persons in the streets of our cities.

Having become convinced that all hopes from further negotiation were idle, the committee, Mr. P. said, were led to the consideration of another question, which was—whether the maritime rights which Great Britain is violating were such as we ought to support at the hazard and expense of a war? And he believed he was correct in stating that the committee was unanimously of the opinion that they were. The committee thought that the Orders in Council, so far as they go to interrupt our direct trade, that is, the carrying of the productions of this country to a market in the ports of friendly nations, and returning with the proceeds of them—ought to be resisted by war. How far we ought to go in support of what is commonly called the carrying trade, although the question was agitated in the committee, no definitive opinion was expressed. It was not deemed necessary, at this time, to express such an opinion, inasmuch as the injury we sustain by the inhibition of this trade is merged in the greater one to our direct trade.

The Orders in Council, Mr. P. said, of which there seemed now to be no prospect of a speedy repeal—certainly none during the continuance of the present war—authorized the capture of our vessels bound to and from ports where British commerce is not favorably received; and as that nation is at war with most of the civilized world, the effect was (as he understood from those who had much better information on the subject than he could pretend to) to cut up, at once, about three-fourths of our best and

most profitable commerce. It was impossible that the mercantile or agricultural interests of the United States, which on the question of a right to the direct trade could never be separated, could submit to such impositions. It was his opinion, that going upon the ground of a mere pecuniary calculation, a calculation of profits and loss, it would be for our interest to go to war to remove the Orders in Council, rather than submit to them, even during the term of their probable continuance.

But there was another point of view in which the subject presented itself to the committee, and that was as regarded the character of the country. We were a young nation, and he hoped we cherished a little pride and spirit, as well as a great deal of justice and moderation. Our situation was not unlike that of a young man just entering into life, and who, if he tamely submitted to one cool, deliberate, intentional indignity, might safely calculate to be kicked and cuffed for the whole of the remainder of his life; or, if he should afterwards undertake to retrieve his character, must do it at ten times the expense which it would have cost him at first to support it. We should clearly understand and define those rights which as a nation we ought to support, and we should support them at every hazard. If there be any such thing as rights between nations, surely the people of the United States, occupying the half of a continent, have a right to navigate the seas, without being molested by the inhabitants of the little island of Great Britain.

It was under these views of the subject that the committee did not hesitate to give it as their opinion, that we ought to go to war in opposition to the Orders in Council. But as to the extent of the war and the time when it should be commenced, there would of course be some diversity of sentiment in the House, as there was, at first, in the committee.

That we can contend with Great Britain openly and even handed on the element where she injures us, it would be folly to pretend. Were it even in our power to build a navy which should be able to cope with her, no man who has any regard for the happiness of the people of this country would venture to advise such a measure. All the fame and glory which the British navy has acquired at sea, have been dearly paid for in the sufferings and misery of that ill-fated people at home—sufferings occasioned in a great measure by the expense of that stupendous establishment. But without such a navy the United States could make a serious impression upon Great Britain, even at sea. We could have, within six months after a declaration of war, hundreds of privateers in every part of the ocean. We could harass, if not destroy, the vast and profitable commerce which she is constantly carrying on to every part of this continent. We could destroy her fisheries to the north; we could depredate upon her commerce to the West India Islands, which is passing by our doors; we could annoy her

trade along the coast of South America ; we could even carry the war to her own shores in Europe.

Mr. P. said he had risen merely for the purpose of explaining to the House the opinion and views of the committee in relation to the resolutions now to be discussed, and he should be satisfied if he had been so fortunate as to succeed.

The question was then taken on the first resolution for filling the ranks of the present army, &c., and carried.

SATURDAY, December 7.

*Territorial Government in Upper Louisiana.*

Mr. PLEASANTS presented a remonstrance and petition of sundry inhabitants of St. Louis, in the Territory of Louisiana, stating the many injuries and inconveniences which would result from a change in their form of government, and praying that no alteration may be made in their said form of government.—Referred to the Committee of the Whole on the bill providing for the government of the said Territory.

MONDAY, December 9.

*Foreign Relations.*

The House resumed the consideration of the report of the Committee of Foreign Relations.

The question being on the agreement to the second resolution, authorizing the raising an additional regular force—

Mr. GRUNDY, as a member of the committee stated his impression that this was the vital part of the report ; and although he had no desire to prolong debate, invited those who were opposed to the report now to come forward and state their objections to it.

Mr. RANDOLPH said he was an old-fashioned politician. In the days of terror, we shrunk at standing armies ; and what is the object now—defence ? Who ? Freemen who would not defend themselves. He would ask, if seven millions of Americans were to be protected in their lives and liberties by ten thousand vagabonds who were fit food for gunpowder ? It would be necessary to know the ulterior views of the committee on this point. It would be proper, before a vote was taken on this resolution, to know for what purpose these additional troops were wanted. The House ought not to commit itself on a question of such magnitude without detailed information. He was as much opposed to raising standing armies now, as he had been in the reign of terror. He had seen too much of the corruptions attendant on those establishments, in the course of the investigation in which he was engaged, not to disclaim all share in the creation of them. The people of the United States could defend themselves, if necessary, and had no idea of resting their defence on mercenaries, picked up from brothels and tippling houses—pickpockets who have escaped from Newgate, &c., and sought refuge in this asylum of oppressed humanity. He contended

that this resolution contained an unconstitutional proposition, and that the standing army now in the service of the United States was maintained in the very teeth of that part of the constitution which declares that no money for the support of a standing army should be appropriated for more than two years. He again called for information as to the object of the army now proposed to be raised ; declaring that, if the President should say they were necessary for the protection of New Orleans, to be employed against the Indians, or to repel incursions from Canada, (although this seemed not to be much thought of,) he should not refuse to grant them. He declared the report to be a negative position, which could not be combated except to disadvantage. He wished to know the constitutional resources of the committee, and expressed a hope that the remarks he had made would draw out the talents of that body.

Mr. GRUNDY.—I did not expect that the gentleman from Virginia would have made any inquiries into the motives or objects of that committee of which he himself was a member. He, sir, attended faithfully to his duty, and witnessed every step the committee took. He also saw the report before it was made to this House, and must have heard the exposition of our ulterior measures, as explained by our Chairman. Why, then, sir, shall he now affect not to understand us ? Our object, by those who will listen, shall not be misunderstood. And, Mr. Speaker, as I have no political secrets, I feel no hesitation in declaring to you, to this House, and to the nation, the view I have taken of the subject. But before I do this, it is due to the committee that an explanation of their conduct should take place.

So soon as the Committee on our Foreign Relations was appointed, we were forcibly impressed with the serious and highly responsible station you had assigned us ; to that committee, consisting of nine members only, were not only the eyes of this House but of the nation turned ; and from us, in this, the most troubled season our world has ever known, was it expected that a course of measures would be recommended, calculated to protect the interests of seven millions of people. Under this impression, Mr. Speaker, we deemed it a duty to take time for deliberation ; we thought it better to encounter the charge of having acted in a tardy and dilatory way, than to take a rash step, by which this nation might be plunged into difficulties, from which it could not be easily extricated. We therefore took the necessary time to weigh the arguments both for and against the measures we have recommended ; and, as far as we were able, we surveyed the consequences which were to follow from the course we proposed. We foresaw, Mr. Speaker, that our countrymen were to fall in the meditated conflict, and that American blood was to stream afresh. Nor were we unmindful of the expenditure of public treasure. And, sir, what cost me more reflection than every thing else,

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*Spanish American Colonies.*

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was the new test to which we are to put this Government. We are about to ascertain by actual experiment how far our Republican institutions are calculated to stand the shock of war, and whether, after foreign danger disappeared, we can again assume our peaceful attitude, without endangering the liberties of the people.

Against these considerations, weighty in themselves, your committee felt themselves constrained to decide, influenced by existing circumstances of a character too imperious to be resisted: these I will enumerate before I sit down. My business at present is to address a particular portion of the members of this House—I mean, sir, the Republican members—and although what I am about to say might be deemed impolitic on ordinary subjects of legislation, yet, at this time and on this occasion, it would be criminal to conceal a single thought which might influence their determination. We should now, Mr. Speaker, forget little party animosities, we should mingle minds freely, and, as far as we are able, commune with the understandings of each other; and, the decision once made, let us become one people, and present an undivided front to the enemies of our country.

Republicans should never forget that some years ago a set of men of different politics held the reins of this Government, and drove the car of State; they were charged with being friendly to standing armies in times of peace, and favorable to expensive establishments; not for the purpose of opposing foreign enemies, but to encourage Executive patronage, and to bring these forces to operate upon the people themselves. These measures alarmed the Republicans; they remonstrated, they clamored, they appealed to the people, and by a national sentence, the men then in power were taken down from their high places, and Republican men were put in their seats.

If your minds are resolved on war, you are consistent, you are right, you are still Republicans; but if you are not resolved, pause and reflect, for should this resolution pass, and you then become faint-hearted, remember that you have abandoned your old principles, and trod in the paths of your predecessors.

According to my view of this subject, Mr. Speaker, we now stand on the bank; one movement more, the Rubicon is passed, we are in Italy, and we must march to Rome.

As a member of the committee, I feel no hesitation in saying, that if there be a member here, not determined to go with us to the extent of our measures, I prefer now to take my leave of him, rather than be deserted when the clouds darken, and the storm thickens upon us.

This admonition I owed to candor—I have paid it, not because I doubted; my purpose is settled, my mind reposes upon it. I may be in an error. If I am, I hope my country will forgive me. From my God I shall never need it, because he knows the purity of my motives.

What, Mr. Speaker, are we now called on to decide? It is whether we will resist by force

the attempt made by that Government, to subject our maritime rights to the arbitrary and capricious rule of her will; for my part I am not prepared to say that this country shall submit to have her commerce interdicted or regulated by any foreign nation. Sir, I prefer war to submission.

Over and above these unjust pretensions or the British Government, for many years past they have been in the practice of impressing our seamen from merchant vessels; this unjust and lawless invasion of personal liberty, calls loudly for the interposition of this Government. To those better acquainted with the facts in relation to it, I leave it to fill up the picture. My mind is irresistibly drawn to the West.

Although others may not strongly feel the bearing which the late transactions in that quarter have on this subject, upon my mind they have great influence. It cannot be believed by any man who will reflect that the savage tribes, uninfluenced by other powers, would think of making war on the United States. They understand too well their own weakness, and our strength. They have already felt the weight of our arms; they know they hold the very soil on which they live as tenants at sufferance. How, then, sir, are we to account for their late conduct? In one way only; some powerful nation must have intrigued with them and turned their peaceful disposition towards us into hostilities. Great Britain alone has intercourse with those northern tribes; I therefore infer, that if British gold has not been employed, their bangles and trinkets, and the promise of support, and a place of refuge if necessary, have had their effect.

If I am right in this conjecture, war is not to commence by sea or land, it is already begun; and some of the richest blood of our country has already been shed. Yes, Mr. Speaker, in one individual has fallen, the honest man, the orator and the soldier.\* That he loved his country none can doubt—he died to preserve its honor and its fame—I mean the late commander of the cavalry; you, sir, who have often measured your strength with his in forensic debate, can attest that he in a good degree was the pride of the western country, and Kentucky claimed him as a favorite son. For his loss, with those who fell by his side, the whole western country is ready to march; they only wait for our permission; and, sir, war once declared, I pledge myself for my people—they will avenge the death of their brethren.

TUESDAY, December 10.

Another member, to wit, JAMES COCHRAN, from North Carolina, appeared and took his seat.

*Spanish American Colonies.*

Mr. MITCHELL, from the committee appointed

\* Joseph Hamilton Davless, commanding the expedition to Tippecanoe, where he was killed in a night charge upon the Indians.

on that part of the President's Message which relates to the Spanish American Colonies, made a report, in part, thereon; which was read and referred to a Committee of the Whole on the state of the Union. The report is as follows:

The committee to whom was referred so much of the President's Message as relates to the Spanish American colonies, have, in obedience to the order of the House, deliberately considered the subject before them, and directed a report, in part, to be submitted to the consideration of the House, in the form of a public declaration, as follows:

Whereas several of the American Spanish provinces have represented to the United States that it has been found expedient for them to associate and form Federal Governments upon the elective and representative plan, and to declare themselves free and independent—Therefore be it

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That they behold with friendly interest, the establishment of independent sovereignties by the Spanish provinces in America, consequent upon the actual state of the monarchy to which they belonged; that as neighbors and inhabitants of the same hemisphere the United States feel great solicitude for their welfare; and that when those provinces shall have attained the condition of nations, by the just exercise of their rights, the Senate and House of Representatives will unite with the Executive, in establishing with them as sovereign and independent States, such amicable relations and commercial intercourse as may require their Legislative authority.

#### *Foreign Relations.*

The order of the day being called for, the SPEAKER observed, that the gentleman from Virginia on the right of the Chair was entitled to the floor.

MR. RANDOLPH rose. He expressed his sense of the motive which had induced the gentleman from Tennessee (Mr. GRUNDY) to move the adjournment, yesterday, and of the politeness of the House in granting it; at the same time declaring that in point of fact he had little cause to be thankful for the favor, well intended as he knew it to have been—since he felt himself even less capable of proceeding with his argument, than he had been on the preceding day.

It was a question, as it had been presented to the House, of peace or war. In that light it had been argued; in no other light could he consider it, after the declaration made by members of the Committee of Foreign Relations. Without intending any disrespect to the Chair, he must be permitted to say that if the decision yesterday was correct, "That it was not in order to advance any arguments against the resolution, drawn from topics before other committees of the House," the whole debate, nay, the report itself on which they were acting, was disorderly; since the increase of the military force was a subject at that time in agitation by the select committee raised on that branch of the President's Message. But it was impossible that the discussion of a question broad as the wide ocean of our foreign concerns—involving

every consideration of interest, of right, of happiness and of safety at home—touching in every point, all that was dear to freemen, "their lives, their fortunes, and their sacred honor!"—could be tied down by the narrow rules of technical routine. The Committee of Foreign Relations had indeed decided that the subject of arming the militia (which he had pressed upon them as indispensable to the public security) did not come within the scope of their authority. On what ground, he had been and still was unable to see, they had felt themselves authorized (when that subject was before another committee) to recommend the raising of standing armies, with a view (as had been declared) of immediate war—a war not of defence, but of conquest, of aggrandizement, of ambition; a war foreign to the interests of this country, to the interests of humanity itself.

He knew not how gentlemen, calling themselves republicans, could advocate such a war. What was their doctrine in 1798-'9, when the command of the army—that highest of all possible trusts in any Government, be the form what it may—was reposed in the bosom of the Father of his Country, the sanctuary of a nation's love, the only hope that never came in vain! When other worthies of the Revolution—Hamilton, Pinckney, and the younger Washington—men of tried patriotism, of approved conduct and valor, of untarnished honor, held subordinate command under him! Republicans were then unwilling to trust a standing army, even to his hands who had given proof that he was above all human temptation. Where now is the Revolutionary hero to whom you are about to confide this sacred trust? To whom will you confide the charge of leading the flower of our youth to the Heights of Abraham? Will you find him in the person of an acquitted felon? What! then you were unwilling to vote an army where such men as had been named held high command! when WASHINGTON himself was at the head—did you then show such reluctance, feel such scruples! and are you now nothing loth, fearless of every consequence? Will you say that your provocations were less than than now? When your direct commerce was interdicted—your Ambassadors hooted with derision from the French Court—tribute demanded—actual war waged upon you!

Those who opposed the army then were indeed denounced as the partisans of France; as the same men—some of them at least—are now held up as the advocates of England; those firm and undeviating Republicans who then dared, and now dare, to cling to the ark of the constitution, to defend it even at the expense of their fame, rather than surrender themselves to the wild projects of mad ambition! There was a fatality attending plenitude of power. Soon or late some mania seizes upon its possessors—they fall from the dizzy height through the giddiness of their own heads. Like a vast estate, heaped up by the labor and industry of one man, which seldom survives the third generation—



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power, gained by patient assiduity, by a faithful and regular discharge of its attendant duties, good gets above its own origin. Intoxicated with their own greatness the Federal party fell. Will not the same causes produce the same effects now as then? Sir, you may raise this army, you may build up this vast structure of patronage, this mighty apparatus of favoritism; but—"lay not the flattering unction to your souls"—you will never live to enjoy the succession. You sign your political death warrant.

Mr. R. here adverted to the provocation to hostilities from shutting up the Mississippi by Spain in 1808—but more fully to the conduct of the House in 1805-'6, under the strongest of all imaginable provocatives to war; the actual invasion of our country. He read various passages from the President's public Message of December 8, 1805.

Mr. R. said that the peculiar situation of the frontier, at that time insulted, had alone induced the committee to recommend the raising of regular troops. It was too remote from the population of the country for the militia to act, in repelling and chastising Spanish incursion. New Orleans and its dependencies were separated by a vast extent of wilderness from the settlements of the old United States; filled with a disloyal and turbulent people, alien to our institutions, language and manners, and disaffected towards our Government. Little reliance could be placed upon them, and it was plain, that if "it was the intention of Spain to advance on our possessions until she should be repulsed by an opposing force," that force must be a regular army, unless we were disposed to abandon all the country south of Tennessee. That if "the protection of our citizens and the spirit and the honor of our country required that force should be interposed," nothing remained but for the Legislature to grant the only practicable means, or to shrink from the most sacred of all its duties—to abandon the soil and its inhabitants to the tender mercies of hostile invaders.

Yet this report, moderate as it was, had been deemed of too strong a character by the House. It was rejected: and, at the motion of a gentleman from Massachusetts, (Mr. BRIDWELL,)—who had since taken a great fancy also to Canada,\* and marched off thither, in advance of the committee of Foreign Relations—" \$2,000,000, were appropriated towards" (not in full of) "any extraordinary expense which might be incurred in the intercourse between the United States and foreign nations:" in other words, to buy off, at Paris, Spanish aggressions at home.

Was this fact given in evidence of our impar-

\* Where he became a member of the Canadian Parliament, and as zealous for King George as he had been in Congress for Mr. Jefferson after his sudden conversion to the Republican party and its offices. When Mr. Randolph would be taunted with his abandonment of Mr. Jefferson, he was accustomed to say that he left him when Barnabas Bidwell (for Barnabas was his name) joined him.

tiality towards the belligerents?—that to the insults and injuries and actual invasion of one of them we opposed not bullets, but dollars; that to Spanish invasion we opposed money, whilst for British aggression on the high seas we had arms; offensive war? But Spain was then shielded, as well as instigated, by a greater power. Hence our respect for her. Had we at that time acted as we ought to have done in defence of rights, of the *natalis solum* itself, we should (he felt confident) have avoided that series of insult, disgrace, and injury, which had been poured out upon us in long unbroken succession. We would not then raise a small regular force for a country where the militia could not act, to defend our own Territory; now, we are willing to levy a great army, for great it must be, to accomplish the proposed object, for a war of conquest and ambition—and this, too, at the very entrance of the "Northern Hive," of the strongest part of the Union.

An insinuation had fallen from the gentleman from Tennessee, (Mr. GRUNDY,) that the late massacre of our brethren on the Wabash had been instigated by the British Government. Has the President given any such information? Has the gentleman received any such, even informally, from any officer of this Government? Is it so believed by the Administration? He had cause to think the contrary to be the fact; that such was not their opinion. This insinuation was of the grossest kind—a presumption the most rash, the most unjustifiable. Show but good ground for it, he would give up the question at the threshold—he was ready to march to Canada. It was indeed well calculated to excite the feelings of the Western people particularly, who were not quite so tenderly attached to our red brethren as some modern philosophers; but it was destitute of any foundation, beyond mere surmise and suspicion. What would be thought, if, without any proof whatsoever, a member should rise in his place and tell us, that the massacre in Savannah, a massacre perpetrated by civilized savages, with French commissions in their pockets, was excited by the French Government? There was an easy and natural solution of the late transaction on the Wabash, in the well-known character of the aboriginal savage of North America, without resorting to any such mere conjectural estimate. He was sorry to say, that for this signal calamity and disgrace the House was, in part, at least, answerable. Session after session, their table had been piled up with Indian treaties, for which the appropriations had been voted as a matter of course, without examination. Advantage had been taken of the spirit of the Indians, broken by the war which ended in the Treaty of Greenville. Under the ascendancy then acquired over them, they had been pent up by subsequent treaties into nooks straitened in their quarters by a blind cupidity, seeking to extinguish their title to immense wildernesses, for which (possessing, as we do already, more land than we can sell or use) we

shall not have occasion, for half a century to come. It was our own thirst for territory, our own want of moderation, that had driven these sons of nature to desperation, of which we felt the effects.

Mr. R., although not personally acquainted with the late Colonel Daviess, felt, he was persuaded, as deep and serious regret for his loss as the gentleman from Tennessee himself. He knew him only through the representation of a friend of the deceased, (Mr. Rowan,) some time a member of that House; a man, who, for native force of intellect, manliness of character, and high sense of honor, was not inferior to any that had ever sat there. With him he sympathized in the severest calamity that could befall a man of his cast of character. Would to God they were both then on the floor! From his personal knowledge of the one, he felt confident that he would have his support—and he believed (judging of him from the representation of their common friend) of the other also.

He could but smile at the liberality of the gentleman, in giving Canada to New York, in order to strengthen the Northern balance of power, while at the same time he forwarned her that the Western scale must preponderate. Mr. R. said that he could almost fancy that he saw the Capitol in motion towards the falls of Ohio—after a short sojourn taking its flight to the Mississippi, and finally alighting on Darien; which, when the gentleman's dreams are realized, will be a most eligible seat of government for the new Republic (or Empire) of the two Americas! But it seemed that "in 1808 we talked and acted foolishly," and to give some color of consistency to that folly, we must now commit a greater. Really he could not conceive of a weaker reason offered in support of a present measure, than the justification of a former folly. He hoped we should act a wiser part—take warning by our follies, since we had become sensible of them, and resolve to talk and act foolishly no more. It was indeed high time to give over such preposterous language and proceedings.

This war of conquest, a war for the acquisition of territory and subjects, is to be a new commentary on the doctrine that Republics are destitute of ambition—that they are addicted to peace, wedded to the happiness and safety of the great body of their people. But it seems this is to be a holiday campaign—there is to be no expense of blood, or treasure, on our part—Canada is to conquer herself—she is to be subdued by the principles of fraternity. The people of that country are first to be seduced from their allegiance, and converted into traitors, as preparatory to the making them good citizens. Although he must acknowledge that some of our flaming patriots were thus manufactured, he did not think the process would hold good with a whole community. It was a dangerous experiment. We were to succeed in the French mode by the system of fraternization—all is French! but how dreadfully it might be retort-

ed on the Southern and Western slaveholding States. He detested this subordination of treason. No—if he must have them, let them fall by the valor of our arms, by fair, legitimate conquest; not become the victims of treacherous seduction.

He was not surprised at the war spirit which was manifesting itself in gentlemen from the South. In the year 1805-'6, in a struggle for the carrying trade of belligerent colonial produce, this country has been most unwisely brought into collision with the great powers of Europe. By a series of most impolitic and ruinous measures,\* utterly incomprehensible to every rational, sober-minded man, the Southern planters, by their own votes, had succeeded in knocking down the price of cotton to seven cents, and of tobacco (a few choice crops excepted) to nothing—and in raising the price of blankets, (of which a few would not be amiss in a Canadian campaign,) coarse woollens, and every article of first necessity, three or four hundred per cent. And now that, by our own acts, we have brought ourselves into this unprecedented condition, we must get out of it in any way, but by an acknowledgment of our own want of wisdom and forecast. But is war the true remedy? Who will profit by it? Speculators—a few lucky merchants, who draw prizes in the lottery—commissaries and contractors. Who must suffer by it? The people. It is their blood, their taxes, that must flow to support it.

But gentlemen avowed that they would not go to war for the carrying trade—that is, for any other but the direct export and import trade—that which carries our native products abroad, and brings back the return cargo; and yet they stifle for our commercial rights, and will go to war for them! He wished to know, in point of principle, what difference gentlemen could point out between the abandonment of this or of that maritime right? Do gentlemen assume the lofty port and tone of chivalrous redressers of maritime wrongs, and declare their readiness to surrender every other maritime right, provided they may remain unmolested in the exercise of the humble privilege of carrying their own produce abroad, and bringing back a return cargo? Do you make this declaration to the enemy at the outset? Do you state the minimum with which you will be contented, and put it in her power to close with your proposal at her option; give her the basis of a treaty ruinous and disgraceful beyond example and expression? and this, too, after having turned up your nose in disdain at the treaties of Mr. Jay and Mr. Monroe! Will you say to England, "end the war when you please, give us the direct trade in our own produce, we are content?" But what will the merchants of Salem, and Boston, and New York, and Philadelphia, and Baltimore, the men of Marblehead and Cape Cod, say to this? Will they join in a

\* Non-Importation, non-intercourse, embargo.

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war professing to have for its object what they would consider (and justly too) as the sacrifice of their maritime rights, yet affecting to be a war for the protection of commerce?

He was gratified to find gentlemen acknowledging the demoralizing and destructive consequences of the non-importation law—confessing the truth of all that its opponents foretold when it was enacted. And will you plunge yourselves in war, because you have passed a foolish and ruinous law, and are ashamed to repeal it? “But our good friend the French Emperor stands in the way of its repeal,” and as we cannot go too far in making sacrifices to him, who has given such demonstration of his love for the Americans, we must, in point of fact, become parties to his war. “Who can be so cruel as to refuse him this favor?” His imagination shrunk from the miseries of such a connection. He called upon the House to reflect whether they were not about to abandon all reclamation for the unparalleled outrages, “insults and injuries” of the French Government, to give up our claim for plundered millions; and asked what reparation or atonement they could expect to obtain in hours of future dalliance, after they should have made a tender of their person to this great deflowerer of the virginity of republics. We had by our own wise (he would not say *wise-acre*) measures, so increased the trade and wealth of Montreal and Quebec, that at last we began to cast a wishful eye at Canada. Having done so much towards its improvement by the exercise of “our restrictive energies,” we began to think the laborer worthy of his hire, and to put in claim for our portion. Suppose it ours, are we any nearer to our point? As his Minister said to the King of Epirus, “may we not as well take our bottle of wine before as after this exploit?” Go! march to Canada! leave the broad bosom of the Chesapeake and her hundred tributary rivers—the whole line of seacoast from Machias to St. Mary’s unprotected! You have taken Quebec—have you conquered England? Will you seek for the deep foundations of her power in the frozen deserts of Labrador?

“Her march is on the mountain wave,  
Her home is on the deep!”

Will you call upon her to leave your ports and harbors untouched, only just till you can return from Canada to defend them? The coast is to be left defenceless, whilst men of the interior are revelling in conquest and spoil. But grant for a moment, for mere argument’s sake, that in Canada you touched the sinews of her strength, instead of removing a clog upon her resources—an encumbrance, but one, which, from a spirit of honor, she will vigorously defend. In what situation would you then place some of the best men of the nation? As Othman and Burke, and the whole band of her patriots, prayed for her defeat in 1776, so must some of the truest friends to their country deprecate the success of our arms against the only

power that holds in check the arch-enemy of mankind.

Mr. R. declared that the committee had outstripped the Executive. In designating the power against whom this force was to be employed—as had most unadvisably been done in the preamble or manifesto with which the resolutions were prefaced—they had not consulted the views of the Executive; that designation was equivalent to an abandonment of all our claims on the French Government. No sooner was the report laid on the table, than the vultures were flocking round their prey, the carcass of a great Military Establishment—men of tainted reputation, of broken fortunes (if they ever had any) and of battered constitutions, “choice spirits, tired of the dull pursuits of civil life,” were seeking after agencies and commissions; willing to doze in gross stupidity over the public fire; to light the public candle at both ends. Honorable men undoubtedly there were ready to serve their country, but what man of spirit, or of self-respect, would accept a commission in the present army?

The gentleman from Tennessee (Mr. GRUNDY) had addressed himself, yesterday, exclusively to the “Republicans of this House.” Mr. R. knew not whether he might consider himself as entitled to any part of the benefit of the honorable gentleman’s discourse. It belonged not, however, to that gentleman to decide. If we must have an exposition of the doctrines of Republicanism, he should receive it from the fathers of the Church, and not from the junior apprentices of the law. He should appeal to his worthy friends from Carolina, (Messrs. MACCORMACK and STANFORD,) “men with whom he had measured his strength,” by whose side he had fought during the reign of terror, for it was indeed an hour of corruption, of oppression, of pollution. It was not at all to his taste, that sort of Republicanism which was supported on this side of the Atlantic by the father of the sedition law, John Adams, and by Peter Porcupine on the other. Republicanism! of John Adams! and William Cobbett! *Par nobile fratrum*, now united as in 1798, whom the cruel walls of Newgate alone keep from flying to each other’s embrace—but whom, in sentiment it is impossible to divide! Gallant crusaders in the holy cause of Republicanism! Such “Republicanism does indeed mean any thing or nothing.”

Our people will not submit to be taxed for this war of conquest and dominion. The Government of the United States was not calculated to wage offensive foreign war—it was instituted for the common defence and general welfare; and whosoever should embark in a war of offence, would put it to a test which it was by no means calculated to endure. Make it out that Great Britain had instigated the Indians on the late occasion, and he was ready for battle; but not for dominion. He was unwilling, however, under present circumstances, to take Canada, at the risk of the constitution—to

embark in common cause with France and be dragged at the wheels of the car of some Burr or Bonaparte. For a gentleman from Tennessee or Genesee, or Lake Champlain, there may be some prospect of advantage. Their hemp would bear a great price by the exclusion of foreign supply. In that too the great importers were deeply interested. The upper country on the Hudson and the Lakes would be enriched by the supplies for the troops, which they alone could furnish. They would have the exclusive market: to say nothing of the increased preponderance from the acquisition of Canada and that section of the Union, which the Southern and Western States had already felt so severely in the apportionment bill.

Mr. R. adverted to the defenceless state of our seaports, and particularly of the Chesapeake. A single spot only, on both shores, might be considered in tolerable security—from the nature of the port and the strength of the population—and that spot unhappily governed the whole State of Maryland. His friend, the late Governor of Maryland, (Mr. LLOYD,) at the very time he was bringing his warlike resolutions before the Legislature of the State, was liable, on any night, to be taken out of his bed, and carried off with his family, by the most contemptible picaroon. Such was the situation of many a family in Maryland and lower Virginia.

Mr. R. dwelt on the danger arising from the black population. He said he would touch this subject as tenderly as possible—it was with reluctance that he touched it at all—but in cases of great emergency, the State physician must not be deterred by a sickly, hysterical humanity, from probing the wound of his patient—he must not be withheld by a fastidious and mistaken humanity from representing his true situation to his friends, or even to the sick man himself, where the occasion called for it. What was the situation of the slaveholding States? During the war of the Revolution, so fixed were their habits of subordination, that when the whole southern country was overrun by the enemy, who invited them to desert, no fear was ever entertained of an insurrection of the slaves. During the war of seven years, with our country in possession of the enemy, no such danger was ever apprehended. But should we therefore be unobservant spectators of the progress of society, within the last twenty years—of the silent and powerful change wrought by time and chance, upon its composition and temper? When the fountains of the great deep of abomination were broken up, even the poor slaves had not escaped the general deluge. The French Revolution had polluted even them. Nay, there had not been wanting men in that House, witness their Legislative *Legendre*, the butcher who once held a seat there, to preach upon that floor these imprescriptible rights to a crowded audience of blacks in the galleries—teaching them that they are equal to their masters; in other words, advising them to cut their throats. Similar doctrines were disseminated

by peddlers from New England and elsewhere, throughout the southern country—and masters have been found so infatuated, as by their lives and conversation, by a general contempt of order, morality, and religion, unthinkingly to cherish these seeds of self-destruction to them and their families. What was the consequence? Within the last ten years, repeated alarms of insurrection among the slaves—some of them awful indeed. From the spreading of this infernal doctrine, the whole southern country had been thrown into a state of insecurity. Men dead to the operation of moral causes, had taken away from the poor slave his habits of loyalty and obedience to his master, which lightened his servitude by a double operation; beguiling his own cares and disarming his master's suspicions and severity; and now, like true empirics in politics, you are called upon to trust to the mere physical strength of the fetter which holds him in bondage. You have deprived him of all moral restraint, you have tempted him to eat of the fruit of the tree of knowledge, just enough to perfect him in wickedness; you have opened his eyes to his nakedness; you have armed his nature against the hand that has fed, that has clothed him, that has cherished him in sickness; that hand, which before he became a pupil of your school, he had been accustomed to press with respectful affection. You have done all this—and then show him the gibbet and the wheel, as incentives to a sullen, repugnant obedience. God forbid, sir, that the Southern States should ever see an enemy on their shores, with these infernal principles of French fraternity in the van! While talking of taking Canada, some of us were shuddering for our own safety at home. He spoke from facts, when he said that the night-bell never tolled for fire in Richmond that the mother did not hug her infant more closely to her bosom. He had been a witness of some of the alarms in the capital of Virginia.

Mr. R. then proceeded to notice the unjust and illiberal imputation of British attachments, against certain characters in this country, sometimes insinuated in that House, but openly avowed out of it. Against whom were these charges brought? Against men, who in the war of the Revolution were in the councils of the nation, or fighting the battles of your country. And by whom were they made? By runaways, chiefly from the British dominions, since the breaking out of the French troubles. He indignantly said—it is insufferable. It cannot be borne. It must, and ought, with severity, be put down in this House, and, out of it, to meet the lie direct. We have no fellow feeling for the suffering and oppressed Spaniards! Yet even them we do not reprobate. Strange! that we should have no objection to any people or Government, civilized or savage, in the whole world. The great Autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers and his Divan of Pirates are very civil, good sort of people,

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with whom we find no difficulty in maintaining the relations of peace and amity—"Turks, Jews, and Infidels;" Mellimelli, or the Little Turtle; barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and can trade. Name, however, but England, and all our antipathies are up in arms against her. Against whom? Against those whose blood runs in our veins; in common with whom we claim Shakspeare, and Newton, and Chatham, for our countrymen; whose form of government is the freest on earth, our own only excepted; from whom every valuable principle of our own institutions has been borrowed—representation, jury trial, voting the supplies, writ of habeas corpus—our whole civil and criminal jurisprudence—against our fellow Protestants identified in blood, in language, in religion with ourselves. In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America learn those principles of civil liberty which were so nobly asserted by their wisdom and valor? And American resistance to British usurpation had not been more warmly cherished by these great men and their compatriots; not more by Washington, Hancock, and Henry, than by Chatham and his illustrious associates in the British Parliament. It ought to be remembered, too, that the heart of the English people was with us. It was a selfish and corrupt Ministry, and their servile tools, to whom we were not more opposed than they were. He trusted that none such might ever exist among us—for tools will never be wanting to subserve the purposes, however ruinous or wicked, of Kings and Ministers of State.

He acknowledged the influence of a Shakspeare and Milton upon his imagination, of a Locke upon his understanding, of a Sidney upon his political principles, of a Chatham upon qualities which, would to God! he possessed in common with that illustrious man—of a Tillotson, a Sherlock, and a Porteus, upon his religion. This was a British influence which he could never shake off. He allowed much to the just and honest prejudices growing out of the Revolution. But by whom had they been suppressed when they ran counter to the interests of his country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons escaped from the jails of Paris, Newgate, and Kilmainham, since the breaking out of the French Revolution—who, in this abused and insulted country, have set up for political teachers, and whose disciples give no other proof of their progress in Republicanism, except a blind devotion to the most ruthless military despotism that the world ever saw. These are the patriots, who scruple not to brand with the epithet of tory the men (looking towards the seat of Col. STUART) by whose blood your liberties have been cemented. These are they, who hold in so keen remembrance the outrages of the British armies, from which

many of them were deserters. Ask these self-styled patriots where they were during the American war, (for they are for the most part old enough to have borne arms,) and you strike them dumb—their lips are closed in eternal silence. If it were allowable to entertain partialities, every consideration of blood, language, religion, and interest, would incline us towards England; and yet, shall they be alone extended to France and her ruler, whom we are bound to believe a chastening God suffers as the scourge of a guilty world! On all other nations he tramples—he holds them in contempt—England alone he hates; he would, but he cannot despise her—fear cannot despise. And shall we disparage our ancestors?—shall we bastardize ourselves by placing them even below the brigands of St. Domingo? with whom Mr. Adams had negotiated a sort of treaty, for which he ought to have been and would have been impeached, if the people had not previously passed sentence of disqualification for their service upon him. This antipathy to all that is English must be French.

But the outrages and injuries of England, bred up in the principles of the Revolution, he could never palliate, much less defend them. He well remembered flying with his mother, and her newborn child, from Arnold and Phillips—and how they had been driven by Tarleton and other British pandours from pillar to post, while her husband was fighting the battles of his country. The impression was indelible on his memory—and yet (like his worthy old neighbor, who added seven buck-shot to every cartridge at the battle of Guilford, and drew a fine sight at his man) he must be content to be called a tory by a patriot of the last importation. Let us not get rid of one evil (supposing it to be possible) at the expense of a greater—*mutatis mutandis*. Suppose France in possession of the British naval power—and to her the trident must pass should England be unable to wield it—what would be your condition? What would be the situation of your seaports and their seafaring inhabitants? Ask Hamburg, Lubec. Ask Savannah. What, sir! when their privateers are pent up in our harbors by the British bull-dogs, when they receive at our hands every rite of hospitality, from which their enemy is excluded, when they capture within our own waters, interdicted to British armed ships, American vessels; when such is their deportment towards you, under such circumstances, what could you expect if they were the uncontrolled lords of the ocean? Had those privateers at Savannah borne British commissions, or had your shipments of cotton, tobacco, ashes, and what not, to London and Liverpool, been confiscated, and the proceeds poured into the English Exchequer—my life upon it! you would never have listened to any miserable wire-drawn distinctions between "orders and decrees affecting our neutral rights," and "municipal decrees," confiscating in mass your whole property. You would have

had instant war! The whole land would have blazed out in war.

And shall republicans become the instruments of him who had effaced the title of Attila to the "Scourge of God!" Yet even Attila, in the falling fortunes of civilization, had, no doubt, his advocates, his tools, his minions, his parasites in the very countries that he overran—sons of that soil whereon his horse had trod; where grass could never after grow. If perfectly fresh, Mr. RANDOLPH said (instead of being as he was—his memory clouded, his intellect stupefied, his strength and spirits exhausted) he could not give utterance to that strong detestation which he felt towards (above all other works of the creation) such characters as Zingis, Tamerlane, Kouli-Khan, or Bonaparte. His instincts involuntarily revolted at their bare idea. Malefactors of the human race, who ground down man to a mere machine of their impious and bloody ambition. Yet, under all the accumulated wrongs, and insults, and robberies of the last of these chieftains, are we not in point of fact about to become a party to his views, a partner in his wars?

But before this miserable force of ten thousand men was raised to take Canada, he begged them to look at the state of defence at home—to count the cost of the enterprise before it was set on foot, not when it might be too late—when the best blood of the country should be spilt, and naught but empty coffers left to pay the cost. Are the bounty lands to be given in Canada? It might lessen his repugnance to that part of the system, to granting these lands, not to those miserable wretches who sell themselves to slavery for a few dollars and a glass of gin, but in fact to the clerks in our offices, some of whom, with an income of fifteen hundred or two thousand dollars, lived at the rate of four or five thousand, and yet grew rich—who perhaps at that moment were making out blank assignments for these land rights.

He would beseech the House, before they ran their heads against this post, Quebec, to count the cost. His word for it, Virginia planters would not be taxed to support such a war—a war which must aggravate their present distresses; in which they had not the remotest interest. Where is the Montgomery, or even the Arnold, or the Barr, who is to march to Point Levi?

He called upon those professing to be republicans to make good the promises held out by their republican predecessors when they came into power—promises which, for years afterwards, they had honestly, faithfully fulfilled. We had vaunted of paying off the national debt, of retrenching useless establishments; and yet had now become as infatuated with standing armies, loans, taxes, navies, and war, as ever were the Essex Junto. What republicanism is this?

WEDNESDAY, December 11.

### *Foreign Relations.*

The House resumed the consideration of the report of the Committee on Foreign Relations.

Mr. RICHARD M. JOHNSON said he rose to thank the committee for the report which was offered to the House, and the resolutions which were recommended; though the measures fell short of his wishes, and, he believed, of public expectation. The ulterior measures, however, promised by the committee satisfied his mind, and he should give the report his warm support. The chairman had given the views of the committee. The expulsion of the British from their North American possessions, and granting letters of marque and reprisal against Great Britain are contemplated. Look at the Message of the President. At a moment least to be expected, when France had ceased to violate our neutral rights, and the olive branch was tendered to Great Britain, her orders in council were put into a more rigorous execution. Not satisfied with refusing a redress for wrongs committed on our coasts and in the mouths of our harbors, our trade is annoyed, and our national rights invaded; and, to close the scene of insolence and injury, regardless of our moderation and our justice, she has brought home to the "threshold of our territory," measures of actual war. As the love of peace has so long produced forbearance on our part, while commercial cupidity has increased the disposition to plunder on the part of Great Britain, I feel rejoiced that the hour of resistance is at hand, and that the President, in whom the people has so much confidence, has warned us of the perils that await them, and has exhorted us to put on the armor of defence, to gird on the sword, and assume the manly and bold attitude of war. He recommends filling up the ranks of the present military establishment, and to lengthen the term of service; to raise an auxiliary force for a more limited time; to authorize the acceptance of volunteers, and provide for calling out detachments of militia as circumstances may require. For the first time since my entrance into this body, there now seems to be but one opinion with a great majority—that with Great Britain war is inevitable; that the hopes of the sanguine as to a returning sense of British justice have expired; that the prophecies of the discerning have failed; and, that her infernal system has driven us to the brink of a second revolution, as important as the first. Upon the Wabash, through the influence of British agents, and within our territorial sea by the British navy, the war has already commenced. Thus, the folly, the power, and the tyranny of Great Britain, have taken from us the last alternative of longer forbearance.

Mr. J. said we must now oppose the farther encroachments of Great Britain by war, or formally annul the Declaration of our Independence, and acknowledge ourselves her devoted

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colonies. The people whom I represent will not hesitate which of the two courses to choose; and, if we are involved in war, to maintain our dearest rights, and to preserve our independence, I pledge myself to this House, and my constituents to this nation, that they will not be wanting in valor, nor in their proportion of men and money to prosecute the war with effect. Before we relinquish the conflict, I wish to see Great Britain renounce the piratical system of paper blockade; to liberate our captured seamen on board her ships of war; relinquish the practice of impressment on board our merchant vessels; to repeal her Orders in Council; and cease, in every other respect, to violate our neutral rights; to treat us as an independent people. The gentleman from Virginia (Mr. RANDOLPH) has objected to the destination of this auxiliary force—the occupation of the Canadas, and the other British possessions upon our borders where our laws are violated, the Indians stimulated to murder our citizens, and where there is a British monopoly of the peltry and fur trade. I should not wish to extend the boundary of the United States by war if Great Britain would leave us to the quiet enjoyment of independence; but, considering her deadly and implacable enmity, and her continued hostility, I shall never die contented until I see her expulsion from North America, and her territories incorporated with the United States. It is strange that the gentleman would pause before refusing this force, if destined to keep the negroes in subordination—who are not in a state of insurrection as I understand—and he will absolutely refuse to vote this force to defend us against the lawless aggressions of Great Britain—a nation in whose favor he had said so much.

But, he has a dislike to the Canadian French. French blood is hateful to him. I have no doubt but the Canadian French are as good citizens as the Canadian English, or the refugee Tories of the Revolution; nor have I any doubt but a great majority of that vast community are sound in their morals and in their politics, and would make worthy members of the United States.

But, open the sacred pages of the Journals of the Congress of 1774-'75—that Congress which commenced, and conducted to victory, the American Revolution. Upon the pages of the first volume (from page 54 to 100) we will find letters addressed to the inhabitants of Canada and the province of Quebec, containing the language of affectionate respect, and, in the warmth of patriotism, inviting them to unite against British tyranny, to make the cause of quarrel common, and to enter into the union of the States on the principles of equality. The encroachments of Great Britain are depicted in the most vivid colors, and then they say "we shall consider the violation of your rights a violation of our own, and you are invited to accede to the confederacy of the States." Thus, the patriots of the Revolution styled the inhabitants of the British provinces friends and fellow-suffer-

ers in 1774: although then but a handful of men compared to their present numbers, and only ten years had elapsed from their first incorporation with the British dominions; and nothing but the want of physical power and means prevented their independence in 1776. The misfortunes of our arms at Quebec, and in that quarter, are well known. These overtures of the Old Congress did not stop here. After the Articles of Confederation had been adopted, the door was left open for the reception of the Canadas, and the hope was not lost until British arms riveted the chains of slavery upon them, which at that time could not be broken. Now, sir, these people are more enlightened, they have a great American population among them, and they have correct ideas of liberty and independence, and only want an opportunity to throw off the yoke of their taskmasters.

Let us not think so meanly of the human character and the human mind. We are in pursuit of happiness, and we place a great value upon liberty as the means of happiness. What, then, let me ask, has changed the character of those people, that they are to be despised? What new order of things has disqualified them for the enjoyment of liberty? Has any malediction of Heaven doomed them to perpetual vassalage? Or, will the gentleman from Virginia pretend to more wisdom and more patriotism than the constellation of patriots who conducted the infant Republic through the Revolution? In point of territorial limit, the map will prove its importance. The waters of the St. Lawrence and the Mississippi interlock in a number of places, and the great Disposer of Human Events intended those two rivers should belong to the same people.

But it has been denied that British influence had any agency in the late dreadful conflict and massacre upon the Wabash; and this is said to vindicate the British nation from so foul a charge. Sir, look to the book of the Revolution. See the Indian savages in Burgoyne's army urged on every occasion to use the scalping-knife and tomahawk—not in battle, but against old men and women, and children; in the night, when they were taught to believe an Omniscient eye could not see their guilty deeds; and thus hardened in iniquity, they perpetrated the same deeds by the light of the sun, when no arm was found to oppose or protect. And when this crying sin was opposed by Lord Chatham, in the House of Lords, the employment of these Indians was justified by a speech from one of the Ministry. Thus we see how the principles of honor, of humanity, of Christianity, were violated and justified in the face of the world. Therefore, I can have no doubt of the influence of British agents in keeping up Indian hostility to the people of the United States, independent of the strong proofs on this occasion; and, I hope it will not be pretended that these agents are too moral or too religious to do the infamous deed. So much for the expulsion of Great Brit-

ain from her dominions in North America, and their incorporation into the United States of America.

The gentleman from Virginia says we are identified with the British in religion, in blood, in language, and deeply laments our hatred to that country, who can boast of so many illustrious characters. This deep-rooted enmity to Great Britain arises from her insidious policy, the offspring of her perfidious conduct towards the United States. Her disposition is unfriendly; her enmity is implacable; she sickens at our prosperity and happiness. If obligations of friendship do exist, why does Great Britain rend those ties asunder, and open the bleeding wounds of former conflicts? Or does the obligation of friendship exist on the part of the United States alone? I have never thought that the ties of religion, of blood, of language, and of commerce, would justify or sanctify insult and injury—on the contrary, that a premeditated wrong from the hand of a friend created more sensibility, and deserved the greater chastisement and the higher execration. What would you think of a man, to whom you were bound by the most sacred ties, who would plunder you of your substance, aim a deadly blow at your honor, and in the hour of confidence endeavor to bury a dagger in your bosom? Would you, sir, proclaim to the world your affection for this miscreant of society, after this conduct, and endeavor to interest your audience with the ties of kindred that bound you to each other? So let it be with nations, and there will be neither surprise nor lamentation that we execrate a Government so hostile to our independence—for it is from the Government that we meet with such multiplied injury, and to that object is our hatred directed. As to individuals of merit, whether British or French, I presume no person would accuse the people of the United States of such hatred to them, or of despising individuals, who might not be instrumental in the maritime despotism which we feel; and this accounts for the veneration we have for Sidney and Russell, statesmen of whom the gentleman has spoken; they are fatal examples why we should love the British Government. The records of that Government are now stained with the blood of these martyrs in freedom's cause, as vilely as with the blood of American citizens; and certainly we shall not be called upon to love equally the murderer and the victim. For God's sake let us not again be told of the ties of religion, of laws, of blood, and of customs, which bind the two nations together, with a view to extort our love for the English Government, and more especially when the same gentleman has acknowledged that we have ample cause of war against that nation—let us not be told of the freedom of that corrupt Government whose hands are washed alike in the blood of her own illustrious statesmen, for a manly opposition to tyranny, and the citizens of every other clime. But I would inquire into this love for the British Government and British institutions, in the

gross, without any discrimination. Why love her rulers? Why kiss the rod of iron which inflicts the stripes without a cause? When all admit we have just cause of war, such attachments are dangerous, and encourage encroachment. I will venture to say, that our hatred of the British Government is not commensurate with her depredations and her outrages on our rights, or we should have waged a deadly war against her many years past. The subject of foreign attachments and British hatred has been examined at considerable length. I did not intend to begin that discussion, but I will pursue it, and though I make no charge of British attachments, I will, at all times, at every hazard, defend the Administration and the Republican party against the charge of foreign partialities—French or Spanish, or any other kind, when applied to the measures of our Government. This foreign influence is a dangerous enemy; we should destroy the means of its circulation among us—like the fatal tunic, it destroys where it touches. It is insidious, invisible, and takes advantage of the most unsuspecting hours of social intercourse. I would not deny the good will of France nor of Great Britain to have an undue influence among us. But Great Britain alone has the means of this influence to an extent dangerous to the United States. It has been said that Great Britain was fighting the battles of the world—that she stands against universal dominion threatened by the arch-fiend of mankind. I should be sorry if our independence depended upon the power of Great Britain. If, however, she would act the part of a friendly power towards the United States, I should never wish to deprive her of power, of wealth, of honor, of prosperity. But if her energies are to be directed against the liberties of this free and happy people, against my native country, I should not drop a tear if the fast-anchored isle would sink into the waves, provided the innocent inhabitants could escape the deluge and find an asylum in a more favorable soil. And as to the power of France, I fear it as little as any other power; I would oppose her aggressions, under any circumstances, as soon as I would British outrages.

The ties of religion, of language, of blood, as it regards Great Britain, are dangerous ties to this country, with her present hostile disposition—instead of pledges of friendship they are used to paralyze the strength of the United States in relation to her aggressions. There are other ties equally efficacious. The number of her commercial traders within our limits, her agents, &c., the vast British capital employed in our commerce and our moneyed institutions, connected with her language, ancestry, customs, habits, and laws. These are formidable means for estranging the affections of many from our republican institutions, and producing partialities for Great Britain. Now I shall attend to the charge of partiality in our measures towards France. It is an insinuation not founded in fact, and can only exist in the imagination of



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those who may insinuate it. We are not driven to mere declarations—the truth of the assertion is bottomed upon the statute records of the United States; and we appeal to the character of every measure relative to foreign relations, since the adoption of the embargo, in consequence of the violation of neutral rights upon the high seas. The direct object of the Berlin and Milan decrees was the ruin of all trade to British ports—and the object of the Orders in Council was the destruction of all commerce to French ports and ports from which the British flag was excluded.

The gentleman from Virginia has called the military regular forces mercenaries. If by this appellation any reproach or degradation is intended, its justice and propriety is denied. In times like the present, when dangers thicken upon us, at the moment when we are compelled by most wanton tyranny upon the high seas, and upon land may be added, to abandon our peaceful habits for the din of arms, officers and soldiers in this country are governed by the noble feelings of patriotism and of valor. The history of the world may be ransacked; other nations may be brought in review before us, and examples of greater heroism cannot be quoted, than shall be performed in battle by our officers and soldiers, military and naval and marine. The deeds of their ancestors would be before them; glory would animate their bosoms, and love of country would nerve the heart to deeds of mighty fame. If, therefore, there should not be a diminution of respect for those who entertain an opinion so degrading to our army, it should at least be understood that such opinions do not lessen the confidence due to those who faithfully serve their country, and who would lay down their life for it. This reflection brings to memory the late memorable conflict upon the Wabash. Governor Harrison pitched his tents near the Prophet's town; and although this fanatic and his followers collected, and the American forces were anxious to finish the work by an open and daylight engagement, if there was a necessity to resort to arms, their impetuous valor was easily stayed, when they were informed that the white flag of peace was to be hoisted next morning, and the effusion of blood was to be spared. But in the silent watches of the night, relieved from the fatigues of valor, and slumbering under the perfidious promises of the savages, who were infuriated and made drunk by British traders, dreaming of the tender smile of a mother, and the fond embraces of affectionate wives, and of prattling children upon their knees, on their return from the fatigues of a campaign!—the destroyers came with the silent instruments of death, the war club, the scalping knife, the tomahawk, and the bow and arrow; with these they penetrate into the heart of our forces—they enter the tents of our officers—many close their eyes in death—it was a trying moment for the rest of our heroes, but they were equal to the dreadful occasion. The American forces flew

to arms; they rallied at the voice of their officers, and soon checked the work of death. The savages were successively and successfully charged and driven until daylight, when they disappeared like the mist of morning. In this dreadful conflict many were killed and wounded on both sides; and the volunteers and the regiment under Colonel Boyd acted and fought with equal bravery and to their immortal honor. The volunteers from Kentucky were men of valor and worth—young men of hopeful prospects, and married men of reputation and intelligence, governed by no mercenary views—honor prompted them to serve their country. Some of these fallen heroes were my acquaintances, my friends: one not the least conspicuous lived in my district—Colonel Owens; Colonel Davless, a neighbor. You, Mr. Speaker, know the worth of some of these men; and I regret that you are not in my place to speak their praise. So long as the records of this transaction remain, the 9th of November will not be forgotten, and time shall only brighten the fame of the deeds of our army, and a tear shall be shed for those who have fallen. But the loss will not be felt by the public alone: the friends of their social hours will regret their loss; the widow will mourn her disconsolate situation; the orphan shall cry for the return of his father in vain; and the mother carry her sorrow to the grave. Let this ornamented hall be clothed with the symbols of mourning, although our army proved victorious in war; and to their memory let a monument be erected in the hearts of a grateful country.

Mr. WRIGHT.—Mr. Speaker, I must beg the indulgence of the House while I deliver my opinion on the subject now under consideration, the most important that has been submitted to the Congress of the United States. I, sir, shall take the liberty of varying the question from the honorable member from Virginia, (Mr. RANDOLPH,) who yesterday considered it a question of peace or war. I shall consider it as a question of war or submission, dire alternatives, of which, however, I trust no honest American can hesitate in choosing, when the question is correctly stated and distinctly understood. The gentleman from Virginia contends that it is a dispute about the carrying trade, brought on us by the cupidity of the American merchants, in which the farmer and planter have little interest; that he will not consent to tax his constituents to carry on a war for it; that the enemy is invulnerable on the "mountain wave," the element of our wrongs, but should they violate the "*natale solum*," he would point all the energies of the nation and avenge the wrong. Was that gentleman stricken on the nose by a man so tall that he could not reach his nose, I strongly incline to think his manly pride would not permit him to decline the conflict. Sir, the honorable member is incorrect in his premises, and, of course, in his conclusions. I will endeavor to convince him of this, and shall be gratified if I can enlist his talents on the side of

a bleeding country. Sir, the violations of the commercial rights of which we complain do not only embrace the carrying trade, properly so called, but also the carrying of the products of our own soil, the fruits of our own industry; these, although injurious only to our property, are just causes of war. But, sir, the impressment of our native seamen is a stroke at the vitals of liberty itself, and although it does not touch the "*natalis solum*," yet it enslaves the "*nativos filios*"—the native sons of America; and, in the ratio that liberty is preferable to property, ought to enlist the patriotic feelings of that honorable member, and make his bosom burn with that holy fire that inspired the patriots of the Revolution.

Sir, the carrying trade—by which I mean the carrying articles, the growth, produce, or manufacture of a foreign clime—except articles contraband of war—is as much the right of the American people as the carrying the products of their own soil, and is not only secured by the law of nations, but by the positive provisions of the British Treaty. To us, sir, it is an all-important right. We import from the West Indies, annually, property to the amount of forty millions of dollars, for which we pay in the products of our own soil; of this, ten millions only are consumed in the United States, and the surplus thirty millions are exported to foreign countries, on which the American merchant pays three per cent. on the duties to the United States, obtains the profits on the freight of thirty millions of dollars, and furnishes a market for American productions to the same amount. The honorable gentleman from Virginia said, that that little spot in Maryland, Baltimore, which was well fortified and secure from an attack, had unbounded influence; "that the lords of Baltimore" governed the Representatives of Maryland in their votes on this subject. No, sir, every district of Maryland solemnly protests against submission to any foreign power, and I have no doubt will approve the votes of their members on this floor, "to prepare for war," or for war itself, rather than submission. Baltimore, by the industry and commercial enterprise of her citizens, has grown out of the sea into a great commercial city, has diffused the benefits of commerce into every section of the State, by making a great demand for the products of our soil and industry, and a consequent increase of price, whereby every foot of land in Maryland is made more valuable, and whereby the interest of every part of the State is identified with theirs; for this she is justly entitled to our respect. But, sir, she has no occasion to infuse her patriotic fire—so pre-eminent in the case of the Chesapeake—into the Representatives of Maryland. They know the wishes of their constituents, and will most certainly obey them.

Mr. Speaker, the gentleman from Virginia has declared that, if he could believe that the late massacre of the troops, in the attack on Governor Harrison by the Indians, under the

Prophet, was the effect of British agency, he would unite with us, heart and hand, and personally assist to avenge the bloody deed. I feel a confidence, that if the gentleman will attend to the circumstances of this case, and take a retrospective view of the conduct of the British Government, he will feel no doubt of the fact. I will take the liberty of pointing the gentleman's attention to some of the prominent features of that government, which will go far in establishing that fact. When Dunmore, Governor of Virginia, in 1775, found it necessary to quit the seat of government, and go on board the fleet for safety from the Revolutionary vengeance of the patriots of Virginia—at a period, too, when the Americans were suing for justice by their humble petitions to the King and Parliament; and when that Chatham, the gentleman from Virginia has so highly extolled, was the advocate of our violated rights—Dunmore issued a proclamation inviting the negroes to his standard; to cut the throats of their masters; and promised them a pardon. This fact I know, from having presented that proclamation to a court at Northampton in Virginia, to induce them to commute the punishment of death, passed on some of the victims of his perfidy, to working in the mines; which they did. I will next remind the gentleman of the speech of Lord Dorchester to the Indians after the peace, in which he advises them to use the tomahawk and scalping-knife, whereby numbers of the inhabitants of the frontiers, of all ages, sexes, and conditions, were sacrificed. This was the cause of the Indian war that shortly after took place. This fact was attested by the newspapers of the day, which had universal credit.

These cases go to prove that the principles that ought to govern civilized nations, have, at all times, been totally disregarded by the officers and agents of that Government. After these cases, we shall feel little hesitation in believing there was a British agency in the case of the massacre by the Prophet's troops on Governor Harrison's detachment, when the circumstances relied on are duly considered. At the late great council with Governor Harrison, the chiefs of many tribes were convened, all of whom, except Tecumseh, the Prophet's brother, in their speeches avowed their friendly dispositions, and their devotion to peace with the United States. Tecumseh, who, with a number of his tribe, came from Fort Malden, in Canada, declared his hostile intentions against the United States, left the council with that avowed intention, and returned again to Fort Malden. Shortly after this, the Shawanees assembled a large body in arms in the Indiana Territory, under the Prophet, and committed the assault on the troops of Governor Harrison, though they have paid for their temerity. This, I trust, connected as it is with the immorality and extraordinary pretensions of that Government at this crisis, will satisfy, not only the gentleman from Virginia, but this House, of a British agency in the case.

Mr. Speaker, I regret that the gentleman from

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Virginia should ascribe to gentlemen of the West, a disposition for war, with a view to raise the price of their hemp; or to the gentlemen of the North, with a view to raise the price of their beef and flour. These, sir, are selfish motives, and such I cannot for a moment believe will be taken into consideration; they will, with every other section of the Union, unite in deciding it on its merits; they will count the wrongs we have sustained; they will reflect that the honor, the interest, and the very independence of the United States, is directly attacked; they will, as guardians of the nation's rights, agreeably to the advice of the Administration, "put the United States into an armor and an attitude demanded by the crisis, and correspondent with the national spirit and expectations;" they will prepare to chastise the wrongs of the British Cabinet, which the President tells us, "have the character as well as the effect of war, on our commercial rights, which no independent nation can relinquish." They will decide with the President, the Executive organ of the nation's will, "that these wrongs are no longer to be endured." They will decide with the Committee of Foreign Relations, "that forbearance longer to repel these wrongs has ceased to be a virtue," and, I hope they will decide with me, that submission is a crime; and, sir, if they will examine a document on that table, I mean the returns of the twelfth Congress, and compare them with the eleventh, they will find nearly one-half of the eleventh Congress removed. This, sir, may correctly be considered as the sentence of the nation against the doctrine of submission; it is certainly an expression of the nation's will, in a language not to be misunderstood, and too serious in its application not to be respected. We have also, sir, the expression of Maryland, through her Senate, who unanimously approved the spirited resolutions introduced by the late Governor, who did not suffer his exposed situation, so alarming in the opinion of the gentleman from Virginia, to deter him from doing his duty. We have also, sir, the resolutions of the Legislature of Pennsylvania, an honest test of their non-submission principles. Mr. Speaker, I cannot forbear the remark that, while the gentleman from Virginia ascribes to the West and to the North interested motives, he confesses that the situation of the blacks in the State he represents, impressed as they are with the new French principles of liberty, and their desire for the fraternal hug, are seriously to be feared; that these new principles have been taught them by the peddlers from the East, who, while they sell their trinkets, inculcate these doctrines. He suffers his fears for the State he represents, in the event of a war, on account of the blacks, to interest him; and had he not told us that, if the "*natale solum*" was touched, or that, if there was a British agency in the late attack on Governor Harrison, he would go to war, I should have been ready to conclude that, as the state of the blacks would be a permanent

objection, no cause could occur that would induce him to go to war.

Mr. Speaker, the gentleman from Virginia says he expects to be charged with being under British influence; however, he disregarded it. I assure him I shall not be one of his accusers; I believe him governed by *himself*, and influenced by pure American motives, and that, if he saw the subject as I do, his bosom would burn with the same sacred fire to avenge our wrongs; and were I to hear him charged in his absence with British influence, I should repel it, notwithstanding he has told us, in a prideful manner, that he had descended from British ancestors; that, from a Shakespeare he had formed his taste, from a Locke, his mind, from a Chatham, his politics, from a Sydney his patriotism, from a Tillotson his religion. Mr. Speaker, had I been that honorable member, I should have boasted a nobler line of ancestry; I should have claimed my descent from the beardless Powhatan, and the immortal Pocahontas; and I should have taken as models, from my own State, a Henry for my eloquence, a Jefferson for my politics, a Washington for my patriotism, and a Madison, or rather the Oracles of Revolution, for my religion. But, sir, I am myself so much a Roman, that I can truly say, in their language,

*"Aut genus aut proavos, aut qua non fecimus ipse, vis  
ca nostra voco."*

"Honor and shame from no condition rise,  
Act well your part, there all the honor lies."

Sir, the charge of foreign influence, and the recrimination of one political party by the other, are unpleasant things. I should rejoice to see the curtain of oblivion drawn over them, and all uniting under the nobler distinction of American.

THURSDAY, December 12.

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The House resumed the consideration of the report of the Committee on Foreign Relations.

Mr. CALHOUN.—Mr. Speaker: I understood the opinion of the Committee of Foreign Relations differently from what the gentleman from Virginia (Mr. RANDOLPH) has stated to be his impression. I certainly understood that committee as recommending the measures now before the House as a preparation for war; and such in fact was its express resolve, agreed to, I believe, by every member except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the report could mean nothing but war or empty menace. I hope no member of this House is in favor of the latter. A bullying, menacing system has every thing to condemn and nothing to recommend it; in expense, it is almost as considerable as war; it excites contempt abroad, and destroys confidence at home. Menaces are serious things; and, if we expect any good from them, they ought to be resorted to with as much caution

and seriousness as war itself, and should, if not successful, be invariably followed by it. It was not the gentleman from Tennessee (Mr. GRUNDY) that made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event. Sir, I am not insensible of the weighty importance of this question, for the first time submitted to this House, as a redress of our long list of complaints against one of the belligerents; but, according to my mode of thinking on this subject, however serious the question, whenever I am on its affirmative side, my conviction must be strong and unalterable. War, in this country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so, as not to require the aid of logic to convince our reason, nor the ardor of eloquence to inflame our passions. There are many reasons why this country should never resort to it but for causes the most urgent and necessary. It is sufficient that, under a Government like ours, none but such will justify it in the eye of the nation; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the House.

Sir, I might prove the war, should it ensue, justifiable, by the express admission of the gentleman from Virginia; and necessary, by facts undoubted and universally admitted, such as that gentleman did not pretend to controvert. The extent, duration, and character of the injuries received; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, is my proof that it is necessary. Why should I mention the impressment of our seamen; depredation on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations; negotiation resorted to time after time, till it is become hopeless; the restrictive system persisted in to avoid war, and in the vain expectation of returning justice? The evil still grows, and in each succeeding year swells in extent and pretension beyond the preceding. The question, even in the opinion and admission of our opponents, is reduced to this single point—which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberties of our citizens employed in exercising them? These rights are essentially attacked, and war is the only means of redress. The gentleman from Virginia has suggested none—unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. Sir, which alternative this House ought to embrace, it is not for me to say. I hope the decision is made already, by a higher authority than the voice of any man. It is not for the human tongue to instill the sense of independence and honor. This is the work of nature—a generous nature, that disdains tame submission, to wrongs.

This part of the subject is so imposing, as to enforce silence even on the gentleman from Virginia. He dared not to deny his country's wrongs, or vindicate the conduct of her enemy.

Only one point of that gentleman's argument had any, the most remote, relation to this point. He would not say we had not a good cause of war, but insisted that it was our duty to define that cause. If he means that this House ought, at this stage of the proceeding, or any other, to enumerate such violations of our rights as we are willing to contend for, he prescribes a course which neither good sense nor the usage of nations warrants. When we contend, let us contend for all our rights; the doubtful and the certain, the unimportant and essential. It is as easy to struggle, or even more so, for the whole as a part. At the termination of the contest, secure all that our wisdom and valor and the fortune of the war will permit. This is the dictate of common sense; such also is the usage of nations. The single instance alluded to, the endeavor of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an extraordinary war for an extraordinary purpose, and could not be governed by the usual rules. It was not for conquest, or for redress of inquiry, but to impose a Government on France, which she refused to receive; an object so detestable, that an avowal dare not be made. Sir, here I might rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia the first time he was up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question, before the affirmative was established. Let me tell that gentleman, that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm the House is now in session, would it be reasonable to ask for proof? He who would deny its truth, on him would be the proof of so extraordinary a negative. How, then, could the gentleman, after his admissions, with the facts before him and the nation, complain? The causes are such as to warrant, or rather make it indispensable in any nation not absolutely dependent to defend its rights by force. Let him, then, show the reasons why we ought not so to defend ourselves. On him, then, is the burden of proof. This he has attempted; he has endeavored to support his negative. Before I proceed to answer the gentleman particularly, let me call the attention of the House to one circumstance: that is, that almost the whole of his arguments consisted of an enumeration of evils always incident to war, however just and necessary; and that, if they have any force, it is calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of the above description; and if I should touch on them, it will be only incidentally, and not for the purpose of serious re-

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tution. The first argument of the gentleman which I shall notice, is the unprepared state of the country. Whatever weight this argument might have, in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us remedy the evil as soon as possible. Let the gentleman submit his plan; and, if a reasonable one, I doubt not it will be supported by the House. But, sir, let us admit the fact and the whole force of the argument, I ask whose is the fault? Who has been a member for many years past, and has seen the defenceless state of his country even near home, under his own eyes, without a single endeavor to remedy so serious an evil? Let him not say "I have acted in a minority." It is no less the duty of the minority than a majority to endeavor to serve our country. For that purpose we are sent here, and not for that of opposition. We are next told of the expenses of the war, and that people will not pay taxes. Why not? Is it a want of capacity? What, with one million tons of shipping, a trade of near \$100,000,000, manufactures of \$150,000,000, and agriculture of thrice that amount, shall we be told the country wants capacity to raise and support ten thousand or fifteen thousand additional regulars? No; it has the ability, that is admitted; but will it not have the disposition? Is not the course a just and necessary one? Shall we, then, utter this libel on the nation? Where will proof be found of a fact so disgraceful? It is said, in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The object of that tax was unpopular. But on this, as well as my memory and almost infant observation at that time serve me, the objection was not to the tax, or its amount, but the mode of collection. The eye of the nation was frightened by the number of officers; its love of liberty shocked with the multiplicity of regulations. We, in the vile spirit of imitation, copied from the most oppressive part of European laws on that subject, and imposed on a young and virtuous nation all the severe provisions made necessary by corruption and long growing chicane. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their Government and their cause, and would be their interest and duty to pay. But it may be, and I believe was said, that the nation will not pay taxes, because the rights violated are not worth defending, or that the defence will cost more than the profit. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses, and ought not to disgrace the seat of sovereignty by its squalid and vile appearance. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is an unpromising spirit, always ready to yield a part to save the balance. It is too timid to have in itself the laws of self-preserva-

tion. It is never safe but under the shield of honor. Sir, I only know of one principle to make a nation great, to produce in this country not the form but real spirit of union, and that is, to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the Government; that its arm is his arms; and will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the road that all great nations have trod. Sir, I am not versed in this calculating policy; and will not, therefore pretend to estimate in dollars and cents the value of national independence, or national affection. I cannot dare to measure, in shillings and pence, the misery, the stripes, and the slavery of our impressed seamen; nor even to value our shipping, commercial, and agricultural losses, under the Orders in Council and the British system of blockade. I hope I have not condemned any prudent estimate of the means of a country, before it enters on a war. This is wisdom, the other folly. Sir, the gentleman from Virginia has not failed to touch on the calamity of war; that fruitful source of declamation, by which pity becomes the advocate of cowardice; but I know not what we have to do with that subject. If the gentleman desires to repress the gallant ardor of our countrymen by such topics, let me inform him, that true courage regards only the cause—that it is just and necessary—and that it despises the pain and danger of war. If he really wishes to promote the cause of humanity, let his eloquence be addressed to Lord Wellesley or Mr. Percival, and not the American Congress. Tell them, if they persist in such daring insult and injury to a neutral nation, that, however inclined to peace, it will be bound in honor and interest to resist; that their patience and benevolence, however great, will be exhausted; that the calamity of war will ensue; and that they, in the opinion of wounded humanity, will be answerable for all its devastation and misery. Let melting pity, and regard to the interest of humanity, stay the hand of injustice, and, my life on it, the gentleman will not find it difficult to call off his country from the bloody scenes of war.

We are next told of the danger of war! I believe we are all ready to acknowledge its hazard and accidents; but I cannot think we have any extraordinary danger to contend with, at least so much as to warrant an acquiescence in the injuries we have received. On the contrary, I believe no war can be less dangerous to internal peace, or national existence. But, we are told of the black population of the South. As far as the gentleman from Virginia speaks of his own personal knowledge, I will not pretend to contradict him; I only regret that such is the dreadful state of his particular part of the country. Of the Southern section, I too have some personal knowledge, and can say that, in South Carolina, no such fears in any part are felt. But, sir, admit the gentleman's statement; will a war with Great Britain in-

crease the danger? Will the country be less able to repress insurrection? Had we any thing to fear from that quarter, which I sincerely disbelieve, in my opinion, the precise time of the greatest safety is during a war in which we have no fear of invasion—then the country is most on its guard; our militia the best prepared; and standing force the greatest. Even in our Revolution no attempts were made by that portion of our population; and, however the gentleman may frighten himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one-half of them never heard of the French Revolution. But, as great as is the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force, raised for a period of actual hostilities, cannot be called a standing army. There is a just distinction between such a force, and one raised as a peace establishment. Whatever may be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the reasonable bounty in land which is proposed to be given, will impel them to join their country's standard and to fight her battles; they will not forget the citizen in the soldier, and, in obeying their officer, learn to condemn their constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the private citizen; but, if they should be deprived, as represented, what have we to fear from twenty-five or thirty thousand regulars? Where will be the boasted militia of the gentleman? Can one million of militia be overpowered by thirty thousand regulars? If so, how can we rely on them against a foe invading our country? Sir, I have no such contemptuous idea of our militia—their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties. But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our constitution is not calculated for war, and that it cannot stand its rude shock. This is rather extraordinary—we must depend upon the pity or contempt of other nations, for our existence. The constitution, it seems, has failed in its essential part, "to provide for the common defence." No, says the gentleman from Virginia, it is competent for a defensive, but not an offensive war. It is not necessary for me to expose the error of this opinion. Why make the distinction in this instance? Will he pretend to say, that this is an offensive war; a war of conquest? Yes, the gentleman has dared to make this assertion; and for reasons no less extraordinary than the assertion itself. He says, our rights are violated on the ocean, and that these violations affect our shipping, and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has

been much abused of late by an unnatural extension; we have now to witness a new abuse. The gentleman from Virginia has limited it down to a point. By his system, if you receive a blow on the breast, you dare not return it on the head, you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with mathematical accuracy, it ceases to be just self-defence; it becomes an unprovoked attack. In speaking of Canada, the gentleman from Virginia introduced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism! It is indignant of submission! This calls my memory back to the time of our Revolution; to the Congress of '74 and '75. Supposing a speaker of that day had risen and urged all the arguments which we have heard on this subject; had told that Congress, "your contest is about the right of laying a tax; and that the attempt on Canada had nothing to do with it: that the war would be expensive; that danger and devastation would overspread our country, and that the power of Great Britain was irresistible." With what sentiment, think you, would such doctrines have been received? Happy for us, they had no force at that period of our country's glory. Had they been then acted on, this Hall would never have witnessed a great nation convened to deliberate for the general good; a mighty empire, with prouder prospects than any nation the sun ever shone on, would not have risen in the West. No; we would have been vile, subjected colonies; governed by that imperious rod which Great Britain holds over her distant provinces.

Mr. DEBEE said—Mr. Speaker, the report of the Committee on Foreign Relations, of which the resolution now under consideration forms a part, is not what I thought would have been the most advisable to adopt, in order to meet the emergency; not that I was for immediate war, as we are unprepared for that event; but, sir, in addition to the force recommended, and authorizing the arming the merchant vessels, I was for adopting the convoy system. But, sir, as the report is of a character different from the temporizing policy heretofore pursued, and one, if not decisive in itself, which will lead to something decisive; and as I am now perfectly satisfied that it is the intention of the Government to follow it up by ulterior measures, calculated to prove the necessity of these preparatory steps, and as union, under existing circumstances, is all-important, as one of the committee, I am bound to give it my support.

Sir, discovering no disposition on the part of Britain to relax in her Orders in Council, to cease her oppression, or to make restitution for the damages we have sustained; but, on the contrary, a manifest disposition to persist in her lawless aggressions, it therefore becomes necessary not to depend any longer on countervailing restrictive systems, but to adopt something of a character more energetic, and more con-

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genial to the wishes of the American people. Sir, while I thought there was the most distant probability of obtaining justice by peace measures, I was an advocate for peace; but, sir, when I see not the least prospect of a revocation of her destructive Orders in Council, of the releasement of our impressed countrymen, a relinquishment of the principle of impressment, nor restitution for damages, I am for assuming a war attitude—consequently shall vote for the report of the committee, because I believe the force there contemplated will be an efficient force, and adequate to the purposes intended, to wit, the subjugation of the British North American Provinces.

Sir, to enumerate the aggressions committed on our rights by Britain, the depredations on our commerce, the murder and impressment of our countrymen, and the indignities offered our flag, would be taking up your time unnecessarily—particularly, sir, as those enormities must be recent in the mind of every member present; and as it is time to lay aside the war of words and proceed to actions, I shall not detain you long with any remarks of mine.

Sir, remonstrances against atrocities have been made in vain; experience has taught us nothing can be expected from negotiations. We have been negotiating for fifteen or twenty years, at an enormous expense, say nearly half a million of dollars, and the causes of which we complained have regularly increased; insult has been heaped upon injury, we have suffered ourselves to be buffeted, kicked, and treated with all kind of indignities with impunity. Yes, sir, insult has been the result of all late attempts at negotiation; for instance, sir, Mr. Roset was sent for no other purpose than to gull the Government, and because Erskine was disposed to do us justice in part, he was recalled and disgraced. The conduct of the Copenhagen gentleman, Mr. Jackson, demonstrated that he was sent for the purpose of bullying the Government. And pray, Mr. Speaker, what has Mr. Foister been sent for? why, sir, in my opinion, for no other purpose than to operate as an opiate on the Government; to lull us to sleep. As a proof of which, about the commencement of the session, a session convened by proclamation, which was naturally calculated to agitate the public mind, he comes forward with offers of reparation as he calls them, but which in my estimation is no more than a patch, calculated to cover one corner of the wound the nation received, in that wanton and dastardly outrage, the attack on the Chesapeake; but, sir, in his soporifics I trust he will be disappointed. I have no hesitation in saying, that when the letters from this Minister to our Government are examined by the people, that independent of the arrogance bordering on insolence, in which they are couched, so characteristic of that nation, they will have a different effect from that of conciliation; the illiberal and disingenuous demands made preliminary to the revocation of the Orders in Council, will have a tendency to

rouse the public mind; they will be looked on with an indignant frown by all real Americans.

Sir, we have been constantly annoyed, assaulted openly and insidiously; we have been plundered, oppressed, and insulted; we thought it preferable to forbear while forbearance was possible, than to plunge into the evils of war, to redress the evil of plunder and partial and dastard-like courage; we judged it better to abandon the wealth which the afflictions of the world held out to the avidity of commercial speculation, and consequently withdrew from the ocean, by the adoption of the embargo—a measure of all others the best calculated to meet the then emergency, and which would, I have no hesitation in saying, have produced the desired effect if we had have had firmness enough to have adhered to it, and virtue and patriotism enough to have enforced it. But, sir, partyism was our ruin; it proved that we had as much to fear from our domestic enemies as our foreign foes, and apparently the greatest evil we had to apprehend was in falling a victim to our own political dissensions, occasioned by the deeply-laid plans of our deadly foe, Britain. Sir, during embargo times our domestic enemies, encouraged by a proclamation issued under the authority of the King of England—I say, sir, those minions of royalty concentrating in the East, talked of the violation of laws as a virtue, they demoralized the community by raising the flood-gates of civil disorder; they gave absolutism to felons, and invited the commission of crimes by the omission of duty. But, sir, the day of retribution is (I trust) not far distant, when those among us who to gain the favor of our enemy have betrayed their country, will sink into insignificance and contempt; the wages of iniquity will not shield them from due infamy.

Mr. TROUP rose to make an effort to put an end to the debate; a debate in which the great mass of the House were enlisted on one side, against the solitary gentleman from Virginia (Mr. RANDOLPH) on the other; and declared that he would call for the previous question if it was persevered in.

Mr. MAOON considered the present, from the turn the debate had taken, the most important question which had come before the National Government for many years past, because it was evidently discussed as a war question, though the real question before the House, if adopted, did not declare war. It was not now a question by what means or by whose measures the nation was brought into its present situation; it must, however, be satisfactory to all, that the Administration has done every thing that could have been expected, to avoid the present crisis, and to keep the nation at peace. If the British Government would cease to violate our neutral and national rights, our difficulties would be at an end. It was no longer a question about the colonial carrying trade—that was at an end; because Great Britain might now be considered as possessing all the West India Islands, and as we have now neither

sugar nor coffee to carry, she has determined to execute with rigor her unjust orders against our carrying the productions of our own soil to any market except her own, or that of her allies. This is attacking the best interests of the country; indeed, it is taking the profits of both planter and merchant. Hence, none of our exports bring a price by which we can live, except flour; and that would be no better than any other article of export, was it not that Great Britain and her allies, Spain and Portugal, want it for the support of their armies; it is their wants, and the great difficulty of getting their wants supplied anywhere else, that keeps up the price of wheat.

Notwithstanding these were his sentiments, he thought it would be going too far to consent, by the vote he was about to give, that he pledged himself to vote for any measure which the Committee of Foreign Relations might hereafter bring forward, when he did not intend to vote for all the resolutions contained in the report which was now under consideration. Our affairs must now command the serious attention of every man in the nation. We must either prepare to maintain the right to carry our produce to what market we please, or to be content without a market; to attempt another negotiation would be useless; every effort has been made in that way that could be made. Indeed, no one has yet said that he wished another. He was as desirous of peace as he ever was; and if any plan shall be proposed by which the peace of the country can be preserved, and the right to export our native produce maintained, he should still prefer it to war; but if no such plan can be devised, he was willing to go to war for that right. He was also willing to declare the points to the nation for which we went to war, and rather than not succeed, he would carry it on for fifty years, and longer if necessary. He felt no hesitation in declaring, that he would not go to war to encourage the nation, or any part of it, to become manufacturers, (and it may not be amiss to observe that, from the day that this report was laid on the table, we have heard nothing about manufactures;) nor would he go to war for the purpose of building a navy. He mentioned this, because he had heard a good deal said of late about increasing the fleet and building seventy-fours. If, therefore, it was to be a war either to encourage manufactures or to build a fleet, he should be opposed to it; he would rather remain as we are awhile longer, had as our situation is, than to stick these two set-fasts to the back of the nation, neither of which it could ever get clear of. A peace in Europe might free us from our present embarrassments, but from the other, once established, we can never expect to get free.

He could not agree with the gentleman from Georgia (Mr. TROUP) that the House ought now, by the previous question, to put an end to the debate; on the contrary, he wished every member might have full time to deliver his sen-

timents on this great question; for his part, he wished to hear the opinions of those who lived on the Eastern frontier; he was gratified that several of the members of the Western had favored the committee with theirs. He expressed this wish, because the part of the country which he represented was in the middle country, about the same distance from the mountains and the Atlantic Ocean, in no danger of being surprised or injured by any plundering party; but if the House was to do that which the gentleman from Georgia seemed to desire, it would do no good; because if our object be to invade Canada, it can scarcely be expected that this could be done with our utmost exertions by regular troops, hereafter to be raised, sooner than June or July. Hitherto, our proceedings have been carried on not only with good humor, but with great urbanity also; to stop the debate, might have a tendency to change this, which no one would regret more than the gentleman himself. Before we raise an army, and provide it with every thing necessary for marching, we have much to do. We have now no Washington to command, and since the days of Joshua, I have read of no such man; such men do not appear every century, and a thousand years will hardly produce one. It is quite probable, except the Commander-in-chief, as good or better appointments may be now made, than were made at the beginning of the Revolution; because there are now more men of experience in the country than there were at that time; and, also, because the men of talents and experience are much better known to the National Government now than they then were; besides the selection of officers, the wagons, carts, and provisions, are to purchase, and almost every other article necessary for a marching army. It may not be improper here to remark, that this is not a Government of confidence; and that, before we go too far, we ought, by some means or other, to know who is to command the army. There cannot be much difficulty in this, especially as every department of the Government seems willing to raise a force adequate to the purpose for which it is wanted. And here, sir, permit me to say, that I hope this is to be no party war, but a national war, in which every person in the nation may have a fair chance to participate in the honor and glory to be acquired in the field of battle, and in defence of the rights of his country. Such a war, if war we shall have, can alone, in my judgment, obtain the end for which we mean to contend, without any disgrace.

FRIDAY, December 18.

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The House resumed the consideration of the report of the Committee of Foreign Relations.

Mr. DAWSON.—When we are about to take a step, to assume an attitude which must change all our foreign relations, and may produce a



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change in our political character, it becomes us to summon all our wisdom—to collect all our moderation and firmness, and to unite all our energies and exertions. It becomes us to be “neither rash nor diffident,” or, to use the language of one of the greatest men who ever lived in the tide of times, “Immoderate valor swells into a fault, and fear admitted into public councils betrays like treason.” Such, sir, is the situation of the United States at this moment. We are about to take such a step—every sentiment therefore which can be offered demands its proportion of public attention, and renders that apology from me unnecessary, which, on any other occasion, common propriety would justify.

After the select Committee on our Foreign Relations had made their report, it seemed to me to be their particular duty to give to this House a full exposition of their present and ulterior views and objects, and of those of the Administration, as far as they had ascertained them, founded on the information which, it is presumed, they possessed. For this I waited with patience, and have listened with attention and with pleasure—it has been given with promptness, with ability, and with candor; and with that perspicuity which frees the mind from all doubt as to the course which, in their judgment, we ought to pursue. And it now rests with us, sir, to determine whether we shall sanction their recommendation—whether we shall adopt those measures necessary and preparatory to a war in which it is probable our country will be engaged. Sir, in the course of my political life, it has been my duty to meet and to decide on some of the most important questions which have been agitated in our public councils, and deeply involving the best interests of our country; these duties I have performed with fidelity and without fear, and I pledge myself never to depart from that line of conduct; and, sir, at no period of my life, nor upon any occasion, have I met any question with more serious deliberation and more undaunted firmness than I do the present.

For several years past I have been an advocate for the adoption of every measure, the object of which was to place our country in a complete state of defence, and prepare us to meet any state of things. I have thought, and do think that preparatory and vigorous measures are best calculated to maintain the dignity and secure the peace and happiness of our country—that to be prepared to meet danger is the best way to avert it. These preparations have not been carried to the extent which I have wished—and yet, sir, I am far from thinking that my country is in that feeble state which some gentlemen seem willing to represent it. I feel myself authorized to state, that we have all the necessaries; all the implements; all the munitions necessary for a three years' close war against any force which any power can send to this continent.

All that we want, are men. No, sir, pardon

the expression—all which we want is an expression of the will of the nation. Let this House, let the constituted authorities declare that will—let them declare “the Republic to be in danger,” and thousands and tens of thousands of our fellow-citizens will rally round the standard of their country, resolved to support her rights, avenge her wrongs, or perish in her ruin. Yes, sir, should that awful moment ever arrive, which may Heaven avert!—should we be forced into a war in the defence of our just rights, I trust and believe that there is not a man in the nation, whose situation will permit, who will not be ready to march at his country's call. No man more devoutly prays for peace than I do; no man deprecates large standing armies in the time of peace more than I do. I consider them the bane of society and the danger of republics; but, sir, as peace, honorable peace, is not always at our command, they must be resorted to in time of war.

Mr. NELSON protested against the doctrine that in the vote he was about to give he should pledge himself to the support of whatever ulterior measures the Committee of Foreign Relations might choose to adopt. He was sensible that he should hazard the censure of his associates in the Republican cause by the observations he proposed to submit. Nay, his Republican friends might have the audacity to denounce him as an apostate, but the people had intrusted him with their dearest rights and interests, and he was resolved to pursue these according to his best judgment, regardless of the strictures of friends, and of the contumacious abuse of the press. Proscription should have no influence on his conduct. And hence he must express his astonishment at those gentlemen who had threatened the House with the previous question, when they themselves admitted the vast importance of the subject under discussion. Tacitus inform us that even the semi-barbarian Germans, when war was to be decided on, took two several occasions to debate upon it—one, when they were in the full possession of their natural faculties; and, second, when they were excited by extravagant circumstances. But in these enlightened days it seems that we are to decide this all-important question without debate! He begged gentlemen to divest themselves of passion. It was not a time to bow to the influence of improper feelings. They ought calmly and coolly to meet the subject. They were to decide upon a question which was of no momentary nature. If they did go to war, it would be a lasting war; and he agreed with the gentleman from Georgia, (Mr. TROUP,) that if war-speeches were necessary to bring the House to the sticking point, it was much too soon to begin war.

He proposed to consider these resolutions as a measure of hostility, according to the views of its advocates, and then as a measure of defensive preparations, agreeable to the spirit of Executive recommendation, which was favorable to peace. What were the objects of the war!

To establish our neutral rights, to exempt our seamen from imprisonment, the repeal of the Orders in Council, and of the blockades, and the security of the American flag. What would be the effects of war, the tocsin of which was for the first time sounded through the land? Our country had been blessed by Providence with more than thirty years of peace and plenty. The habits of the people were pacific. The trifling hostilities with England were of no consequence. But now the yeomanry of the country were to be called to arms as if our own territory were to be invaded. He sympathized with the sufferings of his impressed and incarcerated fellow-citizens; but would a territorial war exempt them from impressment? Would it establish our neutral rights? Certainly not. The way to enforce these rights was by a great maritime force, which the nation were incompetent to raise and support.

But the advocates of immediate war said that if they could not obtain their objects by direct hostility on the ocean, they could do it by a *succedaneum*—by the exercise of the *lex talionis* in an indirect way. After issuing letters of marque, they would resort to the invasion of the enemies' territorial provinces. He contended that this would be inefficacious, and maintained that to convert our merchants into privateers would be to turn them loose upon the seas as highway robbers. They would not be competent to carry on a war in this way. They would have abandoned their peaceful pursuits; they would accept a fraternal embrace of French subjects; fight side by side with them, and submit themselves to the will of the French Emperor. However scrupulous gentlemen might now be, when the hour of danger came they would accept the alliance of France. The national interests would be identified with those of the European continent. We should adopt the continental system, in which our liberties and independence would be jeopardized.

He deprecated the invasion of Canada as an act of foreign conquest. We could not suppose that Great Britain would slumber over our occupation of it, and where should we find a stationary force able to keep possession of it as a conquered province? Admit it as a sister into the Union, we dare not abandon it at the peace, and therefore we could not give it back for the restoration of our maritime rights. But suppose that Great Britain should be brought to her knees, (and this was all the most valiant of us would ask,) what have we to expect, if the power and the commerce of England should be thrown into the arms of France, from the high, the mighty, the imperial Napoleon? Would he respect us more than England would? They both follow their own interest, as we ought to follow ours. What would be the effect of this war upon ourselves?

He feared a war, not from a puerile fear of its expenses or of death, but from a manly dread of the consequences of this war, which

must last as long as England had a ship at sea, or a man to man it. It must link us to the destinies of continental Europe; it would place us under complete foreign influence and foreign dominion; it would change our political institutions. The sages who framed the constitution, and illumined it by their commentaries, had predicted that it would not suit to stand the shock of war. The Republic would be ruined by war. We do not want courage. The Revolution had shown proofs of the greatest valor ever exhibited by human nature. But few circumstances besides invasion would justify war. It would strengthen the Executive arm at the expense of the Legislature. The Chief Magistrate would have to carry on the war. He would, upon the plea of necessity, change our appropriations from one object to another. The constitution would be sapped. The legislative power would be destroyed. He cared not for the prices of cotton and tobacco as compared with the constitution. War would introduce a slavish subordination among the people. They would lose their republican simplicity and their republican independence. They would neglect their homespun for the military plume and the gilded epanlette. Their morals would become depraved. Love of idleness, extravagance, and neglect of the dull pursuits of common life, would take place. The desire would again prevail of acquiring large fortunes by aid of invasion, at the expense of the war-worn soldier whose fruits would be taken away for a mere song, as they had been at the close of the Revolution. Cupidity would be introduced, and pervade the public mind.

I have made these remarks, Mr. Speaker, to repel the declarations of gentlemen, that to vote for this resolution would pledge me to embark in war. If war is necessary, I would not shrink from it, big as it is with calamity and ruin. It will be the duty of Government to obviate some of its evils.

I am in hopes, too, sir, that I have been so fortunate as to check the intemperance of the youth of my country. They will excuse me. I trust we may not be led away by the ardor of youth or of old age. I shall vote for the increase of the regular force, to go hand in hand with my friends, even in a war, if necessary and just. I have not made this speech to prove that I am against war.

Mr. FINDLAY said he had frequently observed members, after a question had undergone a very tedious discussion, say that if the yeas and nays had not been called they would not have spoken on the question, but these having been called, they must assign the reasons for their votes. He did not approve of that principle, because if it was to be reduced to practice every member would speak to every such question, and there would be no end of the debate. However, on this question, though he thought it had been sufficiently discussed, yet he deemed it proper to express a few thoughts, not so much to give the reasons for the vote he designed to

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give, as to explain the principles on which he designed to give his vote. He designed to vote for the resolution before the House, but not surely for the same reasons or with the same determined views that some honorable members have expressed. He would not dwell on the tyrannies and robberies of either the more ancient or modern despots or Governments, of the old world, but confine himself to such as had a direct relation to the question depending before the House.

That the aggressions and bad faith of the British Government, and the recommendations of the Executive, were the foundation of the resolutions before the House, was admitted by all that have spoken on the question. In order to be understood he would take a concise retrospect of our relations with Britain since nearly the commencement of the present Government of the United States.

During the First Congress an Indian war was commenced on our western frontier, and conducted as usual with savage ferocity; but, believing that it only resulted from the combination of a few tribes, our defensive measures at first were weak, and our first attempts unfortunate. But it soon became such a tedious and expensive war as to require for several years the exertion of all our resources. It had at last a fortunate conclusion; but during its progress our Government and the citizens were fully convinced that the Indians were encouraged and supported by the British Government.

We all knew that for several years past Indian councils have been convened by British agents, who influenced them by presents, and employed them as emissaries to excite the peaceable Indians in our own territories to go to war against our new and dispersed settlements. It would be infidelity to doubt the truth of the Indians having received their arms, &c., from British agents, and though these British allies have got a check in the late engagement, yet it also has cost us dear. We have no ground to conclude that the danger is over; revenge is the predominant passion of savages, and though we have not such unequivocal proofs of the British in the present instance exciting the Indians to war, and supplying them for that purpose, as we had in 1798, when President Washington received a copy of Lord Dorchester's speech to the Indian tribes, encouraging them to war against our settlements, and promising them a co-operation of the British force—the copy of which gracious speech several members yet in Congress saw at that time, and every member has heard of it—through a kind Providence that co-operation was prevented by the defeat of the British armies in Europe. Though we have not at present such explicit proofs that the Indians at present are acting as British allies, yet we have as much proof as the nature of the case can afford, and it would be very unwise if we did not act accordingly.

From the above view of the subject, if we had no other cause, I deduce the expediency of

increasing our regular force agreeable to the recommendation of the President and of our committee. I think more has been said about taking Canada than was necessary. It is true, that during the same Indian war, it was the opinion of our most sage politicians that we never could be secure against Indian war till we had possession of Canada, and by that means have it in our power to cut off the communication between foreign nations and the Indians on our frontiers and in our own territory. They said that neither our revenue, our credit or population would at that time justify the attempt; but that we were rapidly increasing in population and all other resources, while the nations of Europe are wasting their own strength, but the time was fast approaching when we must repel national insults or surrender our independence. This was said particularly with respect to the impressment of our seamen. At the commencement of this outrage, never committed by any other nation but Britain, the public mind was very sensibly affected by it, but time and the frequent repetition of the injury seems to have rendered the public feelings callous. This put him in mind of what he had sometimes observed, that when the savages scalped a few families on the frontier, the whole country was terribly alarmed, but that after the savage butchery had continued and extended itself for some time, the sensibility seemed to abate. This had been evidently the effect of the continued impressment of our seamen.

Mr. ROBERTS observed he should offer no apology for rising so late in this discussion, as the short time for which he was about to ask attention would not justify it. The eloquence and talents which had been so abundantly exhibited on this occasion, would not admit of more than a concise expression of his opinion, without subjecting him, justly, to the charge of presumption. When the report now under consideration came first before the House, I was, said he, of the number of those who were disposed to decide upon it without debate. I have frequently been in the minority on the question of adjournment, from a wish to reach the question on the resolutions. Under these impressions I confess I viewed the challenge, or rather the invitation, given by the gentleman from Tennessee, (Mr. GRUNDY,) "to debate this subject now, if it was to be debated at all," more as the impulse of an ingenuous mind, preferring, on all occasions, an open course, than the dictates of prudence or necessity. Nor was it till after the gentleman from North Carolina (Mr. MACON) had invited and urged discussion, that I became disposed to join in opinion with them, the correctness of which the debate of this day has very much strengthened.

By the adoption of this report, we are entering on a system of operations of the utmost national moment; the effects of which the wisest amongst us cannot fully foresee, and on which we have no choice but to act. The discussion has already elicited opinions, which it

is well to know exist; and the more so, since some of them admit the holders to vote for the report, while they allow them to be adverse to the measures which are necessarily to follow it. A little time may be well spent in comparing sentiments in this stage of the business, as it may be conducive to celerity of movement in the sequel, and give more certain effect to the measures which must ultimately be followed.

Every political community must, of necessity, possess rights, which it may enjoy independently of, and in common with, every other. One of those rights is an uncontrolled jurisdiction over its own territory. It has long ago been found necessary for nations to settle by convention on the great scale where the limits of territory shall cease, and where the high seas shall commence. This convention, or law, has determined that the ships of neutrals shall be a part of the national territory; so long as they are careful to preserve a pacific character. Through the intervention of vessels navigating the high seas, nations in amity are enabled to overcome the want of proximity, and all the purposes of trade and commercial intercourse may thereby be extended, as well to the inhabitants of the remotest corners of the earth, as to those only divided by a geometrical line. An attempt to interrupt this intercourse by a third nation, is so serious an act of hostility and wrong, as not only always to justify, but to demand, resistance. The gentleman from Virginia (Mr. RANDOLPH) has said the Government would not, on a former occasion, go to war, when their trade, which consisted in carrying the produce of one foreign country to another, was annoyed and cut up; and why not, he says, be pacific now, as well as then? While I agree that our national rights extend to both alike, admitting, however, every Government to make her own municipal regulations, I must be allowed to consider our direct export and import trade much better worth contending for, than what has been denominated our carrying trade. The cultivators and owners of the soil have never shown any disposition to fight for the latter trade; and for a very plain and consistent reason. War is sure to bring on its train of evils and expense; and where it is obvious that these will amount to more than the loss of the exercise of a right in its nature of but transitory use and minor interest, a free people may with propriety refuse to hazard them for its support. It is not for such a people to war for a speculative right or an empty name. The carrying trade, it must be owned, was profitable in exercise, but it was a profit that could be given up without vital prejudice to the national interests. Not so with our fair export trade. To yield this would be absolute recolonization. It must not only affect us in the great resources of national strength, but it must break the spirit of our citizens, and make them infidels in the principle of self-government. It would, at the same time,

add means and facilities to the aggressing nation to multiply her outrages. Give up the export trade to Great Britain, and you will next be required to give up the coasting trade, and to admit her navigation act to as complete operation in our bays and harbors, as it now has round the limited shores of the British isles. The spirit of commercial monopoly she has so pertinaciously manifested, proves that her ambition craves more than her means can aspire to. The wrongs she has long been and still is committing towards these States, have assumed a character that imperiously calls for a resistance, made by all for the benefit of all.

I cannot with some gentlemen doubt the sufficiency of this Government to conduct a war. However congenial a state of peace may be to a Republic, the Constitution of the United States must have been framed with a view to war as well as peace. The members of the grand convention had almost all been active characters in the Revolutionary war. On the subject of war they were certainly more than mere theorists. Honest apprehensions have, too, been entertained in times back of the Government being too strong; I think, however, that we may look with well-grounded confidence for complete sufficiency in it; without being alarmed at the reverse of the picture. While the power of declaring war is vested in Congress; while levies and supplies are within its control; while a check on the appointing powers is vested in the Senate, and a periodical termination of the President's office exists; the Executive arm, though sufficiently untrammelled for necessary and useful command, is effectually paralyzed as to the exercise of power to affect or change the free features of the Government; unless indeed the representation should become utterly corrupt, an event no one can believe possible. I feel much satisfaction at this moment in seeing a man at the head of the Government who had a conspicuous concern in framing the constitution, and whose official duties have since closely connected him with the administration of Government under it. In the Message out of which the report before you has sprung, not the slightest doubt is discoverable of the efficiency of our institutions to sustain us under every exigency that may overtake us. My own reflections on this subject (and they have neither been light nor transitory) have neither served to alarm nor intimidate. I repose in safety on the saving maxim, "never to despair of the Republic."

Mr. McKee.—Mr. Speaker, I rise to address the House, at this late hour of the debate, with reluctance; but the importance of the question must be my apology.

Some gentlemen, in felicitating themselves on account of the temper of the House, evidenced by the determination to adopt vigorous measures against England, have expressed a regret that measures of a similar character had not been resorted to long since.

In this sentiment I cannot agree. In review-

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ing past times, we cannot but perceive that it has been the desire of the Government to avoid being involved in the war with which Europe has been so long desolated, and by dealing out justice to the belligerents, respectively, with an impartial hand, to preserve our neutrality, permitting our citizens peacefully to pursue their private avocations, reaping the rich harvest arising from our neutral commerce.

This was certainly a wise policy, and the distinguished success with which it was attended is a clear evidence of its wisdom and propriety. Why, then, should it be condemned? Have any people ever acquired individual wealth with so much rapidity; or have any been more happy in the enjoyment of domestic tranquillity than the people of the United States? None. The wish of the late and the present Administrations was to continue this state of happy prosperity as long as it was practicable, by making acts of wrong and vexation of a minor sort, growing out of the violence of the times, the subject of negotiation, rather than a cause of war. And, is this course of policy now to be condemned, and regrets entered up that we have not been at war years ago?

At the opening of the session of Congress, in December, 1809, after the disavowal of Erskine's arrangement, when our relations with England assumed a more unfavorable aspect than at the close of the summer session, the Committee on Foreign Relations, with a desire to preserve our neutrality, presented to the House a measure usually termed Macon's bill, No. 1; a measure which it is now known was approved by the Administration, and had the sanction even of a higher authority, (if such there be.) This measure was calculated in its operation to present serious difficulties to those nations by whom the rights of our neutral flag were disregarded; and, at the same time, it left open to the enterprise of our citizens those channels of trade, not included within the scope of the orders and decrees of the belligerents, as they then stood; a commerce as extensive and valuable as we can expect to enjoy in times of general peace. It was, however, opposed, and successfully, too, by war speeches. It fell, and by its fall the Administration were driven from their ground, and the hopes of maintaining much longer the neutrality of the United States also fall with it. This unfortunate event was succeeded by the act of May, 1810. By this act, the belligerents were invited, in a new form, to withdraw their orders and decrees; promising, on our part, in case either of them should accept the invitation thus given to both, to put in force the non-importation sections of the non-intercourse law against the party persevering in their orders or decrees for three months after their adversary had accepted the invitation thus given. The law of May, 1810, was enacted with a hope that the terms thereby offered to the belligerents, respectively, would induce the one or the other to accept them, and withdraw their orders or decrees. And an expectation was also enter-

tained, that if one of the parties could be induced to relinquish their orders or decrees, the other party would follow the example; and, if this just expectation should be met by a perseverance of either of the parties in their orders or decrees, after their adversary had accepted the invitation thus given, it would test the sincerity of the various and repeated declarations made by them, respectively, that their orders and decrees, affecting our commerce, were reluctantly issued in their own just defence.

Those also who preferred war to the preservation of our neutrality, and by whom Macon's bill was rejected, would be relieved from the embarrassment of going to war with two of the most powerful nations in the world, or of selecting which of the two should be made our enemy, at a time when we had just cause of war against both. The fixed and determined hostility of one of the parties towards the United States would be (as it certainly now is) most clearly proved; and thereby our measures of hostility rendered the more necessary, and more likely to receive the unanimous approbation of the American people.

My opinion, therefore, is, that it was wise to preserve our neutrality as long as possible, making an appeal to force the last reluctant resort; and, inasmuch as the majority of Congress, in 1809, resolved to change the peaceful character of this country, the intervening period has been employed, in a last effort to avert the calamities of war; the result of which has relieved this Government from any liability to the charge of partiality to either of the belligerents, by compelling one of them, by their own act, to present themselves as the object of our just hostility.

MR. STANFORD said, as the resolution before the House contemplated an additional army, and from the avowal of its friends, involved in it the question of peace or war, he felt the desire to assign the reasons of his vote upon so important a subject. He was the more disposed to do so as he should probably find himself in a very small minority upon the question. He was not flattered, he said, with using arguments which would convince others; but for himself he felt their force strong enough to fix his mind against the measure. If he were to vote, he said, for the proposed army, he should vote inconsistently with all his former opinions and principles upon the subject, and he never could think of acting a part inconsistent with himself, and that more especially when all his experience had gone to confirm his first impressions, his honest prejudices against standing armies. Such establishments had always proved the bane of free Governments, and he could not see how we were to get along with them, and remain, as he believed we were, the freest and happiest people upon earth.

But, sir, we are told war is to be declared in certain events, and that the army proposed is to invade and take the Canadas. We are then to pass out of the limits of the United States and

wage a war of the foreign offensive kind! If such was the contemplated use of this army when raised, he was still the more opposed to the measure. He was against the war itself, and the policy of it, and could by no means yield his vote to bring it about. That there were sufficient cause of war, he was ready to acknowledge, and he was not disposed in any the least degree to palliate the offences of Great Britain, or that of any of the other belligerents, committed on the persons and property of our citizens. All of them had deserved war at our hands, but we had at no time since the commencement of our present Government seen it our interest or policy to give into it, in the open and declared form, nor that of any other form, except that of a *quasi* character which happened under Mr. Adams's administration. The question never had been whether we had or had not cause of war, but whether the true interest of the United States did not, under all circumstances, call aloud upon us to cherish peace, and to avoid war and its evils as the last of the alternatives before us; and this, said Mr. S., he would be able to show was the Republican doctrine, as well in the old minority times as since that minority grew into a majority.

The gentleman from Tennessee (Mr. GRUNDY) had made a direct appeal to the Republican party, and endeavored to rally and unite them in this, to them at least, new doctrine of war. If the appeal of the gentleman had any reference to him, he would beg leave to deny some of his positions. He had himself had some small share to act in the political scenes of '98-9, and he was glad to find from the gentleman's declaration that he had joined in the "clamor" of the day, to pull down the then Federal Administration for the unjustifiable war which they had gone into with France. Mr. S. said he knew he had joined in it most heartily. He believed he then acted right in all he did to supersede that Administration, and he still believed he was right. The best interests of the country forbade the war, and so the people determined, when ultimately they came to decide the question. That party thus ousted by the public voice, the present Republican majority was brought in upon their own professions of better principles, the love of peace and economy. But now, forgetting our old professions under a French crisis, we had raised the cry of war under a British one, and nothing short of it was to save our honor. Mr. S. declared if there was any difference in the causes of war then and now, he thought it turned most decidedly in favor of the former period, since the more intolerable outrage in the case of the Chesapeake had been at length atoned for. What were the facts? French decrees existed at that time against your rightful commerce—he spoke of the *arrêtes* or decrees of the French directory—these had the same practical effect on our maritime neutral rights that the British orders have now. French cruisers waylaid the mouths of your harbors, and captured your vessels; and

the first successful act of the United States after the quasi-war commenced, was the taking of one of these cruisers in the mouth of one of our harbors.

But, said Mr. S., the gentleman from South Carolina, (Mr. CALHOUN,) tells us it is a principle of honor in a nation, as in an individual, to resist a first insult. If such doctrine is to be admitted, when should we have had a moment's peace? From one or the other belligerents of Europe, since their late wars commenced, we have never been without just complaints against them for some violation of our neutral rights, and of course must have taken an early share in their wars. The truth is, we cannot like, nor will the similitude hold good between an individual's honor, or his sensibility to it, and that of a nation's. A single impressment or capture may be well admitted to form a ground of reprisal and war; but we should have been a ruined country long ere now, if, under the existing circumstances of the world, and belligerent Europe, we had yielded to this quickness of sensibility, and had gone to war for a first and single instance of aggression from either of the belligerents. The same gentleman argues that every thing now calls upon us to make a stand; that there was no danger to our liberties in a standing army of twenty or thirty thousand men, and that all admitted there was justifiable cause of war, and he believed it had now become necessary. This was declaiming, Mr. S. said, very handsomely upon the subject of war, he would agree; and he very well recollected we had heard the same doctrines precisely, and he thought he might be permitted to say, a strain of declamation, at least equally handsome, upon the same subject, and from the same State, in 1798-'9.\* Mr. S. contended as the then doctrines of war, (and it must be admitted the causes of it were also alike in their character,) it was fair to expect that in due time public opinion would come to be the same in both cases.

But, Mr. S. said, he could not perceive how the present, of all others, had become the necessary and accepted time for war with Great Britain. The attack on the Chesapeake frigate had been lately atoned for, to the satisfaction of our Government; and, he trusted, had not been so done as to aggravate the crisis of affairs between the two countries. If calculated to do so, our Government could not have received it. The impressment of our seamen was a just complaint against the British Government; but it commenced under the Administration of General WASHINGTON, and no one would say he was less sensible to national honor and independence than ourselves. Under all the circumstances of that cause of complaint, he did not think it a cause sufficient for him to depart from the neutral ground he had assumed; nor was the annoyance of our commerce less vexatious in his

\* This allusion is supposed to be to Mr. HAMPS, then from South Carolina.

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time than since. In like manner, under Mr. Adams's Administration, the same complaints existed, though in that of the latter, not, perhaps, to the same degree; and, under the eight years of Mr. Jefferson's Administration, the same state of things continued, certainly with an increased degree of violence, to which was also added the more aggravating insult upon the Chesapeake. Mr. Jefferson had never been suspected of partiality for Great Britain, and then, indeed, the accepted time had come for a war with that Government; all parties were united, and pledged themselves to support him in the war. The pulse of the nation beat high for it. But he felt, because he knew, that peace was the best interest of his country, and forbore to call Congress together. He had always admired the man; but, upon that occasion, he felt more than a sentiment of admiration toward him. When, at length, wrongs had thus accumulated, and called for some system of counteraction and resistance till negotiation could be farther tried, the embargo was resorted to in preference to war; and, when that was done away, a system of non-intercourse was substituted, and to that again succeeded the present alternative law of the same kind; the non-importation system which has grown out of this with Great Britain has not been tried one whole year yet. If gentlemen will have it that this is the accepted time for war, how has it happened that we have not had it before? Our Councils may be presumed to have been as sensible to aggression, and as patriotic to redress it, as we now are.

But, Mr. Speaker, said Mr. S., opposed as he was to the idea of the United States becoming one of the belligerent nations—to the linking our destinies with those of the European Powers; to the taking any share in their present conflicts, if his country once determined upon it, he would not then hesitate to vote any force, or other means to bring it to as speedy and as happy an issue as possible: until then he should preserve his own consistency; and contribute in no way to bring about that state of things which, he believed, would prove most ruinous to his country.

Mr. KING.—Mr. Speaker, I should not have troubled this House with any remarks of mine, had it not been for the observations which have just fallen from my colleague from North Carolina. I shall not attempt, sir, to follow that gentleman in the history which he has given of the progress of party in this country, but shall content myself with stating, that, in our sentiments, we entirely differ; his is the doctrine of submission; yes, sir, the most abject submission; mine, I trust, is not. I am in favor of the resolution now on your table. I am aware, sir, of the many important considerations which will naturally suggest themselves to the mind of every real friend of his country, when he views the consequences which may result from the adoption of the measure now contemplated. When, sir, the habits of a nation, ingrafted, as

it were, in its very nature, are about to be departed from; when the destinies of the country are about to be launched on an untried ocean, and when the doubt is about to be solved, whether our Republican Government is alike calculated to support us through the trials and difficulties of war, and guide us in safety down the gentle current of peace, I am aware, sir, that we should pause and ponder well the subject; that we should divest ourselves of those warm feelings which most generally take possession of our minds on viewing the unjust prostration of the rights of our country. Sir, that interest which I feel, in common with others, on the decision of a question of such magnitude and importance, will, I trust, induce this House to bear with me a moment, while, in a few words, I explain the motives by which I am actuated in giving my decided approbation to the resolution now under consideration. If, sir, I were merely to turn my attention to the local situation of that portion of the country which I have the honor particularly to represent; its extensive and exposed seacoasts, combined with its present commercial advantages; I should, without hesitation, give my vote to the proposed measure. But, sir, as in my individual capacity, I feel at all times willing to make not only pecuniary sacrifices, but to expose my person in vindicating the rights and interests of my country, in my Representative capacity, I will undertake to say, that my constituents will do no less. Sir, the demon Avarice, which benumbs every warm emotion of the soul, has not yet gained the ascendancy in the South: the love of country animates every breast, and burns with inextinguishable ardor. Sir, they feel in common, I trust, with a great majority of every portion of this Union, the degradation of our country, in submitting for a moment longer to the dishonorable terms proposed directly or indirectly by the British Government. Mr. Speaker, I hold it to be correct, that, in discussing a subject of such importance, a view of the various matters necessarily connected with it, will not be considered irrelevant; but, sir, I will not weary the patience of this House with a detail of injuries, unparalleled in the history of former times, wantonly inflicted on a nation which manifested to the whole world her sincere desire to support the neutral stand which had been taken at the earliest period of her Government, and most tenaciously adhered to. We have carefully avoided, Mr. Speaker, any participation in that system of politics which has convulsed and distracted the European world. We have restricted ourselves in the full enjoyment of our rights, lest by strictly enforcing them, we might produce a collision with any nation, however little her conduct might be guided by the principles of equity. Sir, we have borne with injury, until, in the language of your committee, forbearance has ceased to be a virtue. We have remonstrated, we have appealed to the justice, to the interest, of the two great contending powers of Europe; every ef-

fort proved abortive; our calls for justice were drowned in the declaration that their measures were merely retaliatory, and not intended to interfere with neutral rights; thus, sir, the matter rested, when specific propositions were submitted to each. Yea, sir, by an act which has placed the impartiality of our country beyond the reach of suspicion, we demanded of each the revocation of her obnoxious edicts as the only means of preserving our friendship. We all know what has been the consequence: France has met our advances, has embraced our propositions. Great Britain not only refuses a repeal on her part, but, while she affects to lament the effects produced on neutral rights, takes the most effectual methods to render them perpetual. Sir, blindness and ignorance itself can no longer be deceived by British policy.

We have been told, sir, that this will be a war for the support of the carrying trade; let me here remark, and I wish to be distinctly understood, as avowing my determination never to give a vote, so long as I have the honor of a seat on this floor, which will involve this country in a war, for the recovery or support of this extraneous species of commerce. I believe I shall not be incorrect when I assert, that nine-tenths of this country never did and never will derive the smallest benefit from it. But, sir, the right to carry in our own ships the produce of our own country to any quarter, not thereby violating the laws of nations, or contravening legitimate municipal regulations, is one which I never will yield; for, sir, in doing so, we paralyze the industry of our citizens; we give a fatal blow to the best interests of our country. Yes, sir, we yield the principle, we invite to further encroachments. Our country, sir, is agricultural, but so intimately blended with commerce, that the one cannot long exist unaided by the other. Sir, I will not yield an inch of ground, when, by so doing, I destroy an essential right of my country—or sap the foundation of that independence cemented by the blood of our fathers. We were told by a gentleman from Virginia, (Mr. RANDOLPH,) a few days since, that we have sufficient cause for war. I ask you, then, sir, why do we hesitate? Shall we always yield? Shall we always shrink from the contest? The adoption of this resolution is the touchstone—by it we rise or fall. We have been asked, Mr. Speaker, why not lay upon your table a proposition to go to war? It is there, sir; it is contained in this resolution; the moment we give it our sanction we declare our fixed resolve to render effective the force contemplated to be raised. Yea, sir, unless Great Britain manifests a disposition speedily to do us justice—by her acts, sir, not by her words. The gentleman from Virginia calls upon the Representatives of the seacoasts, of the slaveholding States, and asks if they are willing to say to England “we intend to go to war with you.” Does the gentleman mean to excite our fears for the loss of our property? As one of the many on this floor who stand in

the situation mentioned by that gentleman, I step forth to declare for myself and my constituents, that, when loss of national honor is placed in the scale, and attempted to be balanced by pecuniary interest, we will, without hesitation, kick the beam. But, sir, we are now contending for the restoration of our rights, the deprivation of which strikes at the very foundations of our prosperity. Sir, to us, it matters little whether our cities tumble into ruin by desertion for want of employment, by poverty produced by British wrongs and aggression, or, in vindicating the cause of our country, fall by a quicker process. Sir, I have no fear of invasion, and, therefore, have no fears arising from the black population, which strikes with so much horror on the sensitive mind of the gentleman from Virginia. For my country, Mr. Speaker, I lament its existence; I view it as the bane, the curse of the land, and most sincerely, sir, do I wish that a second Moses could take them by the hand, and lead them in safety to a distant land, where their cries would never more strike on the ear of sympathy.

We have been told, sir, that this will be a war of aggrandizement, a war of conquest. I am as little disposed to extend the territory as any other individual of this House. I know that dissimilar interests must and will prevail from a too great extension of our dominion. But, sir, we will not here enter into a discussion, whether an accession of country would or would not conduce to the interests of the Government. Sir, this will be a war forced upon us; we cannot, under existing circumstances, avoid it. To wound our enemy in the most vulnerable part should only be considered. Sir, I trust, if our differences with Great Britain are not speedily adjusted, (of which, indeed, I have no expectation,) we shall take Canada. Yea, sir, by force; by valor; not by seduction, as the gentleman from Virginia expresses it. I have no reliance on their friendship—I hope it will not be calculated on. Sir, I am not deterred from the firm purposes of my mind, by the predictions of the gentleman from Virginia. I have no fears, sir, that the people of our country will desert their Government while asserting the rights of the country; and I must believe, that gentleman's assertion to the contrary notwithstanding, that Virginia will not be the last to afford supplies.

Mr. BOYD.—Mr. Speaker, I should not have risen, on the present occasion, had not the honorable Committee of Foreign Relations requested all those that did not intend to vote for such ulterior measures as they might hereafter find necessary to bring forward, would not vote for the present resolutions, as they were a part of a system that might eventuate in war, &c. From those observations, I feel myself, and those that I in part have the honor to represent, called on to say how far I will go, and how far I will not go. Sir, when we talk about war, we ought to know for what we are going to wage it, and to see that the means are



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commensurate to the end. Let it not be thought by this that I have any apology to make for Great Britain, or her manifold wrongs. I have none. I say, perish the heart, the head and the tongue, that will attempt her justification or apology? No, sir, they are a nation of pirates, and have committed many wrongs on us; and it becomes us to look for our remedy, and how it is to be obtained. We are told that these resolutions are a part of a war measure. I do not receive them as such, but as preparatory to what may happen or become necessary. But, for argument sake, suppose it so, and that we are to have war—your army raised, and ready to march to the Canadas; with how many are you going to take them? In my opinion, not less than fifty thousand men will be required. Suppose the English should be driven out of Spain and Portugal, (which may by this time be the case, or it may soon be so,) what number of troops can she send to reinforce her possessions and meet you? But, say some gentlemen, American blood has been spilt, and we must avenge it. How is that to be done? For gallons will you spill torrents; or am I to understand that we shall have war without bloodshed? Sir, let those that think so turn their attention to the Revolutionary war—the Sugarhouse in New York, the *Prevost*, the Prison-ship, the *Wallabout*, Fort Washington, White Plains, Princeton, Trenton, Monmouth, Brandywine, Guildford, and many other places. New Jersey has had her full share of the fighting—other States the benefit; and if we have war again, we shall have our share of fighting—others the loaves and fishes. But, sir, I will not complain: we obtained our liberty, and I am willing to support it in the best possible manner. But here another question arises. You go to war for the right to export our surplus produce—tobacco, cotton, flour, with many other articles. Let me ask, what will be your export while that war continues? Will you have any? I think not. But I will suppose that you could export without interruption; would the whole of the exportable produce pay for the war during the continuance of it? No, it would not. Sir, it would take less money from the Government to pay for it, and make a fire of it. Nearly thirty years have elapsed since the Revolutionary war, and that war not half paid for. Is not the war-worn soldier calling on us every day with his demands? You are about to drain your Treasury, borrow money, enlarge your pension list, build additional hospitals, increase our national debt, not to be extinguished or paid off, but to be a lasting burden on the people. But, say the honorable committee, our honor requires it. It is well; I honor the spirit and magnanimity of the committee, and have no doubt of their courage and zeal for our country's rights. But, sir, you must take young men for action—old men for counsel. It is an easy matter to go to law or war, but it is a hard matter to get out of it. The gentleman from Maryland, (Mr. WRIGHT,) in defending the char-

acter of the soldier, has given us a quotation, viz:

"Honor and shame from no condition rise,  
Act well your part, there all the honor lies."

I will give him another, from the same authority, viz:

"A wit's a feather, a chief's a rod; \*  
An honest man's the noblest work of God."

But, apart from this, let us suppose war, and admit that it will be successful, so far as proposed—the British driven from the Canadas and Halifax, and their trade intercepted for years to an extensive amount—what then has she to hope or fear from us? Nothing. Will she then respect our rights? No. But I will suppose that we force her to a treaty of amity and commerce, acknowledging our rights to the utmost of our wishes; how long will she keep it? Not an hour longer than suits her convenience or interest. There is no trust to be put in her compacts. Witness Erskine's arrangement. I say, keep on your restrictions; keep the country in peace, if possible, under all your privations, and they are many. Has not our country increased in wealth and population, in a superior degree to any country on earth? Are we not at this moment in the enjoyment of peace and plenty at home—every man under his own vine and fig-tree, and none to make him afraid—with complete protection for person and property? Yes. But our merchants must be protected—they have a right to our protection, say some—it is the merchant that gives life and spring to agriculture. I deny it. It is the planter—the cultivator—that is the foundation on which every other branch of our associated population depends; and it is the surplus of his productions that makes the merchant, and his profits that make the banks. You have made many laws for their protection; they have disobeyed them all, and will disobey them. Have they not told you, continually, to let them alone; that they knew their own business best? Sir, before I would engage in a war, to which I could not see a prospect of a favorable issue, I would let them alone. Sir, the President is made, by the constitution, the treaty-making power; he is also to give us the state of the Union. He is the Executive. He has given us the state of the Union, and made his requisitions; and if I give him what he asks, I give him enough; and *that* I am willing to give, and more, when he shall require it. But I am not to be forced further yet. It appears to me that the honorable committee has a mind to *Gideonise* us—rejecting the fearful and faint-hearted. Will they prove us by the *waters*, and reject all such as will not lap as the dog lappeth? For, sir, they have told us that all that did not intend to vote for such ulterior measures as they might have occasion hereafter to bring forward, ought not to vote for the resolutions. Now, sir, it remains for me to tell them and the House, that I will not leave the ranks of

\* Witness Bonaparte.

my country. I will vote for the resolutions, and consider myself at liberty to vote hereafter as the nature of the case may require, and my conscience shall direct. I have no more to say at this time.

MONDAY, December 16.

*Foreign Relations.*

The House then resumed the consideration of the unfinished business, being the report of the Committee of Foreign Relations.

Mr. RANDOLPH said that he could not express his deep sense of the politeness of the House, except by the regret he felt at the very poor return which they were about to receive for their indulgence. He lamented that it was not in his power to thank, in the name of all the old Republicans of 1798 and 1799, his worthy friend from North Carolina, (Mr. STANFORD,) for the sound, sensible, pertinent, and constitutional speech, which he had delivered the other day against this resolution. But he feared, if a writ were to issue against that old party—as had been facetiously said, in another body, of our valiant Army—it would be impossible for a constable with a search warrant to find it. There must be a return of *non est inventus*. Death, resignation, and desertion had thinned their ranks. They had disappeared. New men and new doctrines had succeeded. He was astonished at the frailty of some memories; or rather, at their aptness to remember to forget every thing but what subserved their present purposes.

The nation had been brought into its present alarming and unprecedented situation by means in nowise unaccountable—by steps as direct and successive as Hogarth's celebrated series of prints, "The Rake's Progress," beginning at the gaming table and ending in a jail, or in bedlam. Our difficulties began to show themselves in 1805 and 1806, when a *wise man from the East* (Bidwell) was sent to govern the American House of Commons, in quality of manager. With what degree of fidelity he had discharged this duty, we might judge from that which he had since displayed in far inferior trusts. We had commenced our system somewhat on the plan of Catharine of Russia, when she lent her nominal aid to the coalition; we had dealt even more profusely than she in manifestoes; we began, under the instigation of mercantile cupidity, to contend by proclamations and resolutions for the empire of the ocean. But, instead of confining ourselves as she had done to this bloodless warfare, we must copy the wise example of her successors, and after our battle of Friedland, he supposed, we also should have our peace of Tilsit. He gave the little minority praise for having kept the Administration in check, under the salutary restraint of a rigorous examination of their acts—although the Administration had run away with the credit of wishing to take a strong attitude, and had thrown the blame of thwarting their measures on the

opposition. That opposition had been composed of all sects and persuasions; but he now perceived that the greater part of them (the Federalists) had gone over to the Court party, for a very obvious reason—because they foresaw at the end of the journey, Mr. Speaker, that your defeat will secure their triumph. I wish the gentlemen on my left (the majority) joy of their new travelling companions.

The gentleman from Maryland had expressed surprise at Mr. RANDOLPH's manner of speaking of our origin from an English stock. Could that gentleman repose his head upon his pillow without returning thanks to God that he was descended from English parentage? Whence but from that origin came all the blessings of life, so far as political privileges are concerned! To what is it owing that we are at this moment deliberating under the forms of a free representative government? Suppose we had been colonies of any other European nation—compare our condition with that of the Spanish, Portuguese, or French settlements in America! To what was our superiority owing? To our Anglo-Saxon race. Suppose we had descended from those nations—from the west, especially, which stood self-condemned, on her own confession, as incapable of free government, hugging her chains, glorying in her shame, priding herself in the slave's last poor distinction, the splendor of her tyrant master? Had we sprung from the loins of Frenchmen, (he shuddered at the thought!) where would have been that proud spirit of resistance to Ministerial encroachment on our rights and liberties, which achieved our independence? We should have submitted to the tea tax, the stamp act, and the whole train of Grenville and North ministerial oppression. That which we lifted our hands against in determined scorn, would have been deemed an indulgence. Look at the province of New Spain, or Mexico, as it is, not with strict propriety, called. With a physical force greatly superior to ours in 1776, she had not dared to burst the chains of Spanish despotism, divided, weakened, almost extinct as was the Spanish monarchy. Mr. R. adverted to historical documents to show that America ought to be proud of her Anglo-Saxon descent. We were vastly particular about the breed of our horses, cattle, and sheep, but careless of the breed of human nature. And yet to our Anglo-Saxon origin we owed our resistance to British tyranny. Who were the members of our first Congress? From Massachusetts, Samuel Adams, (and t'other Adams too,) Robert Treat Paine, not Tom. From Connecticut, Roger Sherman, a man of the most profound political wisdom. From New York, James Duane, John Jay. From New Jersey, William Livingston. From Pennsylvania, Thomas Mifflin. From Delaware, Caesar Rodney, Thomas McKean. From Maryland, William Paca. From Virginia, Peyton Randolph, George Washington, Patrick Henry, Richard Bland, Edmund Pendleton. From South Carolina, Henry Middleton, John Rutledge, Christopher

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Gadsden, Edward Rutledge. In what school had these illustrious men formed those noble principles of civil liberty asserted by their eloquence and maintained by their arms? Among the grievances stated in their remonstrance to the King, a "standing army" met us at the threshold. It was curious to see in that list of wrongs, so many that had since been self-inflicted by us.

It had been asked, why was the country unprepared for defence? Was he expected to answer this question? The Administration and their overwhelming majorities must answer it. They had wanted in the plenitude of their power. Who could say them nay? Was it Mr. RANDOLPH's fault that the gentleman from South Carolina had never, in the course of his extensive experience, heard of a proposition to arm the whole body of the militia? which had been damned with a faint appropriation of two hundred thousand dollars, when millions were lavished upon miserable *oyster* boats. The Clerk of the Senate could not forbear a sneer when he read the title of the bill, at the recollection of the means to enforce it. Mr. R. had proposed himself an annual million until the work should be accomplished. He would forever stand up for the militia. It was not in the scoffs of the epaulette gentry, who, for any service they have seen, are the *rawest militia*, to degrade them in his eyes. Who were they? Ourselves—the country. Arm them and you are safe, beyond the possibility of danger. Yearly did the standing army sweep off the money, while the militia received empty praise. He would rather see the thing reversed. But there will forever be a Court and Country party. The standing army is the devoted creature of the Court. It must forever be so. Can we wonder that it should be cherished by its master? He spoke of a mercenary soldier in terms of the strongest abhorrence. He would ever uphold the militia; and he detested standing armies, as the profigate instruments of despotism, as the bloodhounds of hell. They would support any and every existing Government. In all history he remembered only one instance of their deserting their Government and taking part with the people; and that was when the Duke of Orleans had bribed the army of the last of the Bourbon Kings. A mercenary soldier was disgusting to our senses; was odious and detestable to the eye of reason, republicanism and religion. Yet, that "mere machine of murder," rude as it is, was the manufacturer of all the Cæsars, and Cromwells, and Bonapartes, of the earth; consecrated by a people's curse, not loud but deep, to the infernal gods. As from the filth of the kennel and common sewer, spread the pestilence that carried havoc through a great city, so from this squalid, outcast, homeless wretch sprung the scourge of military despotism. And yet we are told that there was no danger from an army of 80,000 or 40,000 men. With 5,000 Cæsar had passed the Rubicon. With 22,000 he fought the battle of Pharsalia, which render-

ed him master of the world. To come to later times—what number had Bonaparte, when, deserting his companions in arms, he returned a solitary fugitive from Egypt, to overturn that Government, which if it had possessed one particle of energy, if it had been possible for the civil authority to cope with military power, would have cashiered him for having ruined one of the best-appointed fleets and armies that ever sailed from a European port? Well might the father of political wisdom (Lord Oatham) say to the Parliament of England, "entrench yourselves in parchment to the teeth, the sword will find a passage to the vitals of the constitution." As good a Republican as ever sat on that floor, (Andrew Fletcher of Saltoun,) had dissolved his political friendship with the Earl of Sunderland, when he found him supporting an army; and the event justified his sagacity. Cromwell, the affected patron of liberty, always encouraged the army. We know the consequence. It was a fundamental principle of free Government that a Legislature which would preserve its liberty must avoid that canker, a standing army. Are we to forget, as chimerical, our notions of this institution, which we imbibed from our very cradles, which are imprinted on our Bills of Rights and Constitutions, which we avowed under the reign of John Adams? Are they to be scourged out of us by the birch of the unfledged political pedagogues of the day? If he were the enemy of this Government, could he reconcile it to his principles, he would follow the example set him in another quarter, and say to the majority, *go* to your inevitable destruction! He likened the people under this joint operation of the two parties, Ministerial and Federal, to the poor client between two lawyers, or the cloth between the tailor's shears.

He was glad to hear from his venerable friend that this was not to be a party war. When the last additional force bill was raised, to which this was about to be superadded, it was an indispensable preliminary to an appointment, to sign, or to promise to sign, the thirty-nine articles of the creed of the reigning political church. But now the political millennium was at hand—already had John Adams and Citizen Genet laid down, like the lion and the lamb, in the same fold. And if they were not joined by their fellow-laborer in Newgate, it was his keeper's fault, not that of his inclination. Citizen Genet, now an American patriot of the first order, who extols "*our* WASHINGTON;" the champion of the laws of nations; the vindicator of American rights against foreign (and, of course, French) aggression! He was glad to hear that it was not to be a war for the protection of manufactures. To domestic manufactures, in the true sense of the term, he had always been, and ever should be, a friend; he had taken a pride in clothing himself in them until it was attempted to be made a political test. He abhorred tests of all sorts, political and religious, and never would submit to them. He was sick

of this cant of patriotism, which extended to a man's victuals, drink, and clothes. He had, from a sort of obstinacy that belonged to him, laid aside the *external* use of these manufactures; but he was their firm friend, and of the manufacturers also. They were no new things to him; no Merino hobby of the day; he had known them from his infancy. He had been almost tempted to believe, from the similarity of character and avocations, that Hector had a Virginian wife; that Lucretia herself—for she had displayed the spirit of a Virginian matron—was a Virginian lady. Where were they found? Spinning among their handmaids! What was the occupation of a Virginian wife—her highest ambition? To attend to her domestic and household cares; to dispense medicine and food to the sick; to minister to the comfort of her family, her servants, and her poor neighbors, where she had any. At the sight of such a woman his heart bowed down, and did her reverence. Compare with such a being your gad-about card-players. Mr. RANDOLPH said that if the Empress Queen had presented herself decked in the spoils of a ravaged world, at the late exhibition, in contrast with our American matrons, bearing the triumphs of their own ingenuity and industry, we should have looked upon her, and all her splendor, with scorn and contempt in our hearts, although, from politeness to the sex, as gentlemen, we should have suppressed the sentiment.

He could not conclude without noticing the parallel attempted to be drawn by the gentleman from South Carolina, Mr. CALHOUN—not quite indeed after the manner of Plutarch—between himself and an illustrious statesman, (Lord Chatham.) The gentleman had been pleased to say, that at the mention of his name, Mr. RANDOLPH's heart had seemed to smite him. It had indeed smitten him: from a sensation which he trusted that gentleman might never feel: against which he seemed well secured. It was a consciousness of his own unworthiness to sustain the high duties imposed upon him by his country, which the recollection of that great man's name had, at the moment, called up. He felt humbled in the contemplation of his worth. Would to God! he possessed some portion of his powers; that he could borrow his eagle-eye, his withering look, the unrivalled majesty of his manner, the magic of his voice, at once the music and the thunder of the spheres, to rouse the House to a sense of their country's danger. In one respect, however, he might boast that he possessed some qualities in common with that immortal statesman. He might assert as lofty a spirit, as unyielding an adherence to the deliberate convictions of his own understanding, as Lord Chatham himself; who, because he set his face against corruption, and had the art of making every coward scoundrel in the nation his foe—concentrating upon himself the "rays of royal indignation, which might illumine but could not consume him;" who, because with intuitive glance he penetrated, resolved and

combined every interest of his country, and each design of her enemies, and reached his object "by the flashes of his mind, which, like those of his eye, might be felt but could not be followed," was by the plodding, purblind, groping politicians of the day, attempted to be held up as an empty declaimer, a theatrical gesticulator. Gentlemen must not expect him to quit the anchorage of his own judgment in order to pursue the *ignes fatui* that wander about Goose Creek.\* Mr. Speaker, my heart is full—the recollection of that matchless orator and statesman has filled me with unspeakable feelings. To excite them there was no need of the cruel and insulting comparison which the gentleman from South Carolina (Mr. CALHOUN) had attempted to draw between that gigantic statesman and the pigmy who now addresses you.

The question was now taken on concurring with the Committee of the Whole in their agreement to the second resolution, which is in the following words:

"That an additional force of — thousand regular troops ought to be immediately raised, to serve for three years; and that a bounty in lands ought to be given to encourage enlistment."

And carried as follows:

YEAS.—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findlay, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, William Strong, George Sullivan, Peter Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, David R. Williams, William

\* The primitive name of the little stream that runs at the foot of the Capitol grounds, called the Tyber since the Capitol came to its banks, and up and down which members were accustomed to walk in that early day.

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*Mississippi Territory—Ordinance of 1787.*

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Widgery, Thomas Wilson, Robert Wright, and Richard Wynn—110.

**NAVS.**—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, Edwin Gray, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, John Randolph, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, and Leonard White—22.

The question was then taken on the third resolution, in the following words:

"That it is expedient to authorize the President, under proper regulations, to accept the service of any number of volunteers, not exceeding fifty thousand; to be organized, trained, and held in readiness to act on such service as the exigencies of the Government may require."

And carried: yeas 118—nays 16.

The question was next taken on the fourth resolution, in the following words:

"That the President be authorized to order out from time to time such detachments of the militia, as in his opinion the public service may require."

And carried: yeas 120—nays 8.

The question was then taken on the fifth resolution, in the words following:

"That all the vessels not now in service belonging to the Navy, and worthy of repair, be immediately fitted up and put in commission."

And carried: yeas 111—nays 15.

The question was put from the Chair on the sixth resolution, in these words:

"6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas."

When the resolution was, on motion, ordered to lie on the table.

The three first resolutions, for filling up the present establishment, for raising an additional number of regulars, and authorizing the acceptance of volunteers' services, were referred to the committee who reported them, with instructions to bring in bills in pursuance thereof.

TUESDAY, December 17.

*Mississippi Territory—Ordinance of 1787.*

Mr. POINDEXTER, from the committee to whom the said report was committed, reported the same with an amendment; which was read, and referred to the Committee of the Whole on Monday next. The report is as follows:

The committee, to whom was referred the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, and the petition of sundry citizens thereof, praying to be admitted into the Union of the United States on an equal footing with the original States; and also the petition of the inhabitants of West Florida, setting forth their desire to be annexed to said Territory, for reasons therein contained, have had these subjects under con-

sideration, and beg leave to submit the following report:

That there has existed in the Mississippi Territory a temporary government, founded on the ordinance for the government of the Territory Northwest of the river Ohio, since the eleventh day of April, one thousand seven hundred and ninety-eight. That, although this ordinance has undergone some modifications, extending, in a limited degree, the rights and privileges of the citizens, it still contains provisions incompatible with political liberty, and unfavorable to a due and impartial administration of justice, in the redress of private wrongs and injuries. The Chief Executive Magistrate is charged with the execution of the laws; is commander-in-chief of the militia; has the sole power of appointment to offices, civil and military, within the Territory, and the removal of these officers at pleasure; is vested with an unqualified veto on all bills passed by the other co-ordinate branches of the Legislature; and is, moreover, clothed with the odious and arbitrary authority to prorogue and dissolve the General Assembly whenever, in his opinion, it shall be expedient. These high and regal prerogatives, constituting some of the most obvious characteristics which distinguish an absolute monarchy from the constitution of a free State, are confided to the discretionary exercise of a Governor, who is neither chosen by, nor responsible to, the people. He is often a total stranger to the local interests and circumstances of the country over which he possesses such unlimited control, and is accountable only for malconduct or corruption in office to the President of the United States. The only security which exists against the frequent and wanton abuse of these powers is to be found in the mild and conciliatory disposition uniformly manifested by the General Government towards its territories. But experience has shown that, in all colonial governments, officers situated at a remote distance from the tribunal to which they are responsible, too frequently "feel power and forget right;" and, by eluding the vigilance of rigid investigation, are enabled to practice acts of oppression with impunity.

The above summary of Executive powers, so opposite in their nature to those principles which form the basis of the Federal Constitution, and which are transfused through the constitution of the several States, is sufficient to show that the people are deprived of all participation in the choice of those who administer the laws, and that public functionaries are rendered independent of the community whose interests are confided to their management and discretion. These restrictions on the rights of the people can be justified only by the most evident necessity, resulting from peculiar and unavoidable circumstances. Your committee, therefore, consider it an act both of strict justice and sound policy to advance the respective territories of the United States to the grade of a separate commonwealth, whenever they shall contain the number of inhabitants necessary to entitle them, under the ratio established by law, to a Representative in the Congress of the United States. On the subject of population, there exists no difficulty, whether the territory be taken in connection with West Florida or with its present limits. From the official returns of the census, taken during the summer of the past year, it appears that there were, in the Mississippi Territory, the number of forty thousand three hundred and fifty-two souls. This enumeration, it is alleged, fell considerably short of the actual population of the Territory at that time;

and, without casting the most remote censure on the officers who were employed in that service, such a suggestion is strongly supported by the vast extent of country over which the settlements are dispersed. It also appears to your committee that the progressive emigration from the old States to this section of the Union, added to the length of time which it will require to form a constitution, and put the same in operation, afford satisfactory pledges that, anterior to the final admission of the Territory to the rights of State sovereignty, the number of its inhabitants will amount to at least sixty thousand, whereby they will possess the unqualified right, in conformity with articles of cession and agreement between the United States and Georgia, to be admitted into the Union on an equal footing with the original States.

Your committee cannot forbear to express their decided opinion, that, where no constitutional difficulty occurs, the formation of new States on the southern extremity of the United States ought not to be delayed.

Under these impressions, your committee submit the following resolution :

*Resolved*, That it is expedient to admit all that tract of country, bounded north by a line drawn due east from the river Yazoo, where it unites with the Mississippi, to the river Chatahouchy, and down said river to the thirty-first degree of latitude ; thence, along said degree of latitude, to a point opposite the river Perdido ; thence to the confluence of said last mentioned river, with the Gulf of Mexico ; and thence, in a direct line through the middle of the Lakes Maurepas and Pontchartrain, to the junction of the Iberville with the river Mississippi, and up said river to the above-mentioned river Yazoo, into the Union of the United States, on an equal footing with the original States.

WEDNESDAY, December 18.

Mr. REEA presented petitions from Louisiana Territory, in favor of the second grade of Government.—Referred.

*Battle on the Wabash.*

Mr. ORMSBY moved the following resolution :

*Resolved*, That a committee be appointed to inquire whether any, and if any, what provision ought to be made by law for paying the officers and soldiers of the militia who served under Governor Harrison, in the late expedition against the Indians on the Wabash, to compensate them for the loss of horses, and for the relief of the widows and orphans of those who fell in the action of the seventh November last ; and that they have leave to report by bill or otherwise.

The said resolution was read, and ordered to lie on the table.

Mr. McKEE moved the following resolution :

*Resolved*, That the President of the United States be requested to cause to be laid before this House such information as may be in the possession of the Government, and proper to be communicated, on the following points :

1. Any evidence tending to show whether any and what agency the subjects, either public or private, of any foreign power, may have had in exciting the Indians on the Western frontier to hostility against the United States ;

2. The evidence of hostility towards the United States, on the part of the Shawnee Prophet and his adherents, anterior to the commencement of the late campaign against them, under the command of Governor Harrison ;

3. The orders and authority vested in Governor Harrison by the United States, under which the late expedition against the Indians was carried on ; and such other information relating to the subject, as, in the opinion of the President, may be proper to be communicated to this House.

The resolution was read, and ordered to lie on the table.

THURSDAY, December 19.

*Battle of Tippecanoe.*

A Message was received from the President of the United States, transmitting two letters received from Governor Harrison, of the Indiana Territory, reporting the particulars of the issue of the expedition under his command on the Wabash. The Message and letters were read, and referred to Mr. McKEE, Mr. SEVIER, Mr. BRECKENRIDGE, Mr. MORROW, Mr. ALSTON, Mr. LEFEVRE, and Mr. MAXWELL, to consider and report thereon to the House.

*Foreign Relations.*

The House resumed the consideration of the sixth resolution, reported by the Committee of Foreign Relations, in the following words :

"6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, to arm, under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas."

Mr. ARCHER.—The sixth resolution of the Committee of Foreign Relations being now on its passage, I must express my sorrow that I am compelled to obtrude my humble observations upon the fatigued patience of the House, and the more exhausted patience of the nation. As I shall vote against the resolution, I feel it to be my indispensable duty to detail to the House the reasons by which my vote shall be actuated. Many honorable members may, perhaps, conceive that it would be more proper for me to reserve my remarks for the bill, when it shall be reported ; but, sir, I have ever held it to be my sacred duty to oppose, even in its incipient state, every measure which may be hostile to the rights, or dangerous to the interests of my country, lest, by not seeming to oppose, my conduct should be construed into an encouragement of such a measure.

For what purpose, sir, let me ask, have we adopted the resolution preceding this ? Was it for the purpose of destroying the Government ? Was it that the members of that Army should sheath their swords in the bowels of the liberties of their country ? Who will impute to this body so disgraceful a motive ? Are you about to raise a standing army, not for the purpose of making preparations for war, but with a view of intimidating Great Britain to recede

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*Foreign Relations.*

[H. OF R.]

from her unjust infractions of our neutral rights? Do not think that she will be intimidated by any preparations which you can make, however formidable they may be. She knows, too well, your conduct heretofore, to believe you are in earnest. She knows that, many years ago, you resolved to resist, but that this honorable determination terminated in an empty resolution. She knows, too well, that you have been, heretofore, prodigal in words, and parsimonious in spirited action. I do not set myself up for a prophet; but, mark me, if it be not true, that Great Britain will not do you justice till you carry the war out of this hall into the heart of her colonial territories.

Under the firmest conviction, then, as I am, that war between the United States and Great Britain—if we have any respect for our honor as a nation—will be an event of inevitable consequence, I have in vain searched for the reasons which would induce us to authorize our merchant vessels to arm against all unlawful molestations on the high seas. As the resolution is, in its nature, general, every man must see, on the contrary, the dangers necessarily attendant upon the adoption of such a measure. You are now on the very verge of war, and you should, therefore, be careful not to multiply your enemies. You may, by passing this resolution, make France your enemy. You may enlist Denmark and other powers of Europe against you. This is an event which would be deeply deprecated; and, that it should happen, is nothing improbable; for your merchants, armed as they will be, in defence of their commerce, may select the nation who is to be your enemy. If they are molested in their commerce, whether lawful or unlawful, they will be disposed to resist. At any rate, they will be the judges of the juncture when their interests may call for the interposition of force, and will exercise that force according to their own whims and caprices. They sail on the ocean clothed with national authority, and for their actions, whether lawful or unlawful, you will be compelled to answer. Sir, I respect the highly honorable occupation of a merchant, but am not disposed to carry that respect so far as to give my sanction to the adoption of a measure which may jeopardize the peace, and endanger the interests of my country. If this resolution were to authorize an arming against Great Britain alone, this argument would have no effect; but as it has a view to a general arming against all nations, this reasoning is conclusive on my mind, and must operate in the same way upon all men who will give the subject a dispassionate consideration. The consequences of such a measure are plain and obvious. Now, let us examine whether there exists any reason sufficiently powerful to outweigh these considerations.

What is the object, and the only one too, as stated by the honorable chairman of the Committee of Foreign Relations, (Mr. PORTER,) for the adoption of this measure? Your vessels

will be armed and prepared for privateering the moment war shall be declared. Why, sir, do you think the merchants will believe that you really intend to go to war? And, if they doubt upon this subject, do you suppose they will be so regardless of their own interests as to expend their capital in fitting out privateers, when no absolute certainty exists that war is your object, or your serious intention? It would, certainly, be an object of no inconsiderable moment to have privateers prepared to harass and disturb the commerce of Great Britain in the event of war. If this be your object, you are taking a very improper course to obtain it. If such be your object, take some decided and energetic step which will convince even the incredulous that you will resort to the sword to obtain justice, and your end will soon be effected. But, do not depress the hopes of the nation by sanctioning this tame, imbecile, and temporizing system.

What is the spirit that breathes in the five resolutions which have been adopted—resolutions which were in entire accordance with my feelings? Is it not a spirit of war? Do they not bear a hostile aspect? Are they not calculated to induce Great Britain to believe that forbearance on our part has terminated, and that we are resolved, unless she speedily extend to us full and ample justice, to decide the contest by the sword? Have you any thing to hope, by operating upon the minds of the rulers of that nation, a conviction that you are boasting no longer? If you do entertain such a hope, I pray you, do not adopt this measure—a measure which will show her the fluctuation of our opinions, and the repugnancy of our plans; a measure which will lull to sleep her fears of war, and convince her not only of your indecision, but of your timidity to unsheath your sword in defence of rights clear and undisputed, and in avenging injuries too glaring for the dignity and honor of a nation to submit to. Are the wishes of this nation to be unattended to? Ought we not to relieve its anxieties? Or, are we to tantalize their hopes with energy in one law and imbecility in another? Are the merchants to be told we will protect their commerce? By what? By granting them a right which nature has already given to them? Is commerce to be protected by abridging the natural rights of the people? Is this measure no abridgment of their rights? Does it not confine the legality of arming to resident citizens alone? Look at the measure as you please, it is a dead letter. Is this the period of all others to be selected to incorporate unmeaning laws in the body of your statute book? Do not satirize, by such an act, the manly sensibility of the people. Do not paralyze the national arm. No; let us do justice to the nation by the adoption of such measures as will renovate the depressed spirits of our constituents; which will prevent them from falling into that destructive and deadly languor which this resolution is calculated to produce.

The question was then taken to concur with the Committee of the whole House on the state of the Union in their agreement to the said sixth resolution, as reported by the Committee on Foreign Relations; and resolved in the affirmative—yeas 97, nays 22.

SATURDAY, December 21.

*Statutes of Limitation.*

Mr. GHOLSON, from the Committee of Claims, who were instructed by a resolution of the House of the 11th ultimo, to inquire into the expediency of repealing or suspending the various acts of limitation, so far as they operate to bar the payment of certain descriptions of claims, made a report thereon.—Referred to the Committee of the Whole on the report of the Committee of Claims on the petition of Rees Nanna and others. The report is as follows:

That they have bestowed on the resolution that full consideration to which it was entitled. They felt, on the one hand, sincere solicitude to devise some just and adequate method of satisfying the claims in question; while, on the other, they were forcibly struck with the unavoidable scenes of speculation and fraud which would ensue the repeal or suspension of any of the acts of limitation, whereby those claims are barred. If the old soldier, his widow, or his orphan, were alone to be benefited by such suspension, your committee would not hesitate to recommend it. Past experience, however, hath evidently shown that similar legislative indulgences have enured almost exclusively to the advantage of the unprincipled speculator, and those who avail themselves of the ignorance and subsist upon the misfortunes of others. We have innumerable examples of the truth of this position, in the consequences that resulted not only from the various suspensions of these acts which have hitherto taken place, but more especially from the adoption of the Funding System. It is deemed unnecessary to enlarge upon the consequences; they are too well known.

Although a communication received from the Treasury at a former session holds out an opinion that there are in the possession of that Department sufficient checks and guards to protect the United States from imposition and fraud in the payment of a certain part of those claims, the committee are differently impressed. They have seen a transcript from the books of the Treasury, published to the world, exhibiting the names of a certain class of claimants; and to suppose that a facility of this kind, thus offered to speculative artifice and management, would not be seized upon and used by the speculator to impose upon Government, is to suppose a thing contrary to all experience. The committee feel themselves by no means able to draw a line of distinction between a just claim liquidated and a just one unliquidated; and to attempt the invidious task of distinction in point of merit, where there can be no difference, and to open the statutes of limitation in order to relieve a part or a few favorite classes of claims, does not comport, in the view of your committee, with any principle of fairness, or with that equal system of distributive justice which ought to be dispensed toward all. When they take a retrospective view of the subject, and find that most of those statutes were first passed in the times and under the

patriot counsels of the old Congress, and that the more general one which took effect in 1794 was passed under the Administration of General Washington, who was himself the chief of soldiers as he was the chief of their patrons and friends in every station; but he was equally the friend of his country, and gave that act the sanction of his name, as founded, at least, in a policy of general justice and right, which the Government had been at length obliged to resort to and maintain in self-defence; that every Congress since has invariably adhered to the general policy of those laws; and, after the lapse of so many years, when the difficulty of doing justice has increased with the increase of time, and when a partial repeal would but tend to increase the discontent and dissatisfaction of every class of claimants which should remain unprovided for, the committee cannot, from any view they have been able to take of the subject, recommend the repeal or suspension of any of those statutes. They would, therefore, beg leave to submit the following resolution:

*Resolved*, That it is not expedient to repeal or suspend any of the acts of limitation, whereby the aforesaid descriptions of claims are barred.\*

The report was ordered to lie on the table.

MONDAY, December 23.

*Rules and Orders—Previous Question.*

The House resumed the consideration of the unfinished business of Saturday. The amendment proposed by Mr. NELSON being again read, as follows:

"That when the previous question is ordered to be taken, upon the main question being put, every member, who has not already spoken, shall have liberty to speak once:"

Mr. GOLD said the amendment now offered to the rules of the House, secures to every member the right of speaking at least once on every question before the House. The liberty of speech, and freedom of debate, are sacred by the constitution; and to refuse *all* debate, to deny us the privilege of speaking *at all*, on the most important questions of peace and war, is a subversion of the first principles of the constitution. And what is to justify this measure of imposing silence? It is said, the right of debate has been abused. Let gentlemen beware how, for an occasional *abuse of a right, they take away—destroy the right itself*. What right, in the whole charter of our rights, has not at some time been abused? Man is frail, and why should not, at times of public agitation and concussion of parties, abuses arise? debate become angry and be prolonged? And for this, is the principle to be adopted, that the right shall be forever sup-

\* These salutary statutes, indispensable for the protection of the Treasury, as time was wearing out the evidence which would detect fraud, have since been disregarded by modern Congresses, carried away by a mistaken idea of justice, and the door opened to an endless succession of false claims, supported by fabricated evidence which there is no means to rebut, and plundering the Treasury for the benefit of agents who have grown up into a regular profession for the discovery, invention, and prosecution of claims.



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pressed and destroyed!—the principle that absolute silence shall be imposed on a minority? Sir, Philip, the tyrant of Macedon, disliked the freedom of speech and debate in Athens: it annoyed him; for this cause, Demosthenes was pursued to the altar, where he expired. The principle contended for by the majority (supposed abuse) will be found to justify the most odious usurpations recorded in history; liberty is abused, and chains are forged to restrain it.

Gentlemen of the majority insist, that the rule will not be abused; that the majority will not execute the rule arbitrarily. The amendment, now offered to the rules, stipulates only for liberty to each member to speak once. Now, sir, if this be denied, and the rule is ever executed, the abuse is inevitable, it is necessarily involved in the very execution of the rule.

Neither the journals of our State Legislatures nor the laws of the Parliament of Great Britain afford examples for thus arbitrarily proceeding. Debate is admitted in the British Parliament on the previous question; our rules exclude it on both the previous and main question. Beside, sir, I need only refer gentlemen to the manual of parliamentary law, from the hand of the third President of the United States, to show that the previous question was confined to subjects of delicacy, which a due regard to the interests of the State or its Government forbade to be agitated. How much, sir, has this question been perverted from its proper province, to silence all debate and force the question, the passage of the law! Such measures are dangerous to freedom, and afford, in evil times, the most fatal examples.

Mr. SMILIE said he was a friend to freedom of debate, but that there was a difference between this, and that abuse of it when you cannot get a decision without an exertion of physical strength. This has been our case several times. The rule now proposed to be altered is the old rule, and is only restored. We very well know, that a debate has been often prolonged merely to prevent a decision. We have been kept till ten and twelve o'clock at night, and sometimes till daylight. It is an inconvenience which he at his time of life had seriously felt. There can be no evil from the rule as now established. The responsibility of the majority is such to the people, that, if they should abuse it, as the minority have their privilege, the people will correct it, when the minority shall fairly state it to them. He said the majority were also responsible to the people to transact the public business.

Mr. STANFORD, in reply to Mr. SMILIE, said he did not think it proper to give this dispensing power to the majority, if they by the constitution did not possess it, as he contended they did not. He said we have heard of a *sedition law*, and the *reign of terror*. The bill, when first introduced for that law, went to prevent freedom of speech. This rule, in his opinion, much more deserved the character of a "*Gag-law*," than the Sedition law did.

Mr. WRIGHT mentioned the great abuses of

this privilege of the minority the last winter. He said, if we don't establish a written, decent rule, we must have a common law rule, such as they have in the British House of Commons, to shuffle and put down, when the abuse of this privilege becomes enormous.

Mr. QUINCY.—Mr. Speaker, I do not regard this question in the light in which some of its advocates, as well as its opponents, have considered it; as a mere contest for power between the majority and the minority. It is of a higher character. It affects the essential principles of civil liberty, and saps its hopes at its very foundation. I rejoice that the gentleman from Virginia (Mr. NELSON) has limited his proposition, so as to preclude any mistake concerning the object of it. We are not now advocating an unrestrained privilege of debate. The inquiry is, shall a main question ever be taken in this deliberative body, until every member, who has not already spoken, shall have had an opportunity, if he wishes to avail himself of it, to speak at least *once upon the question*? The ground taken by those who oppose the proposition, is that of necessity and convenience. These are the very points, which, in a free country, ought most vigilantly to be guarded. For it is here that the spirit of despotism always lies in ambush. Under the cover of necessity, or convenience, it steals upon the liberties of a people, and never fails, sooner or later, to make them its prey.

It is not to be denied, that the subject is in some respects difficult to manage, with any hope of convincing. There is a state of feeling, both within this House and out of it, very unpropitious to an impartial debate. In this House it is argued as a question concerning who shall have the power, a majority, or a minority. And as it is agreed, on all hands, that, in the exercise of the power, abuse may happen, the present majority, like all other majorities, have a prevailing inclination to reserve, in their own hands, the exclusive privilege of abuse. And without doors, the subject is of less difficulty. For, of late years, the popular ear has been so vexed with speech upon speech, wind upon wind, the public patience has been so exhausted, in hunting up the solitary grain of sense, hidden in the bushels of chaff, that it is ready to submit to any limitation of a privilege, which subjects it to so irksome a labor. The people are almost ready to exclaim, "do what you will with the liberty of speech, provided you will save us from that *fresh* of words, with which we are periodically inundated."

Now, this is the very state of the public mind in which the corruption of essential principles commences. Through apparent necessity, or temporary convenience, or disgust at abuse, the popular sentiment is made to acquiesce in the introduction of doctrines vitally inconsistent with the perpetuity of liberty.

I ask the House to consider what is that principle of civil liberty, which is amalgamated and identified with the very existence of a legislative

body. In what does it consist? And what is its character? It consists in the right of deliberation. And its character is, that it belongs not to the body, but the individual members constituting the body. The body has the power to control and to regulate its exercise. But it has not the power to take away that right altogether, by the operation of any general principle. An individual member may render himself unworthy of the privilege. He may be set down; he may be denied the right, because he has abused it. But whenever a legislative body assumes to itself the power of stopping, at its will, all debate, at any stage of deliberation, it assumes a power wholly inconsistent with the essential right of deliberation, and totally destructive of that principle of civil liberty which exists, and is identified with the exercise of that right.

The right of every individual member is, in fact, the right of his constituents. He is but their Representative. It is in their majesty, that he appears. It is their right that he reflects. The right of being heard by their Representative is the *inherent* and *absolute* right of the people. Now, it is in the essential character of such a right, that it exists, independent, and in despite of any man, or body of men, whatsoever. It is absurd to say, that any right is independent, which depends upon the will of another. It is absurd to say, that any right is absolute, which is wholly relative to the inclination of another; which lasts only as long as he chooses, and terminates at his nod. Now, whether this power be exercised by one, or many, it matters not. The principle of civil liberty is gone, when the inherent and absolute nature of the right is gone.

Apply this reasoning to the case before us. It is impossible to conceal the fact; that as our rules and orders stand, independent of the proposition now offered as an amendment, it is in the power of a majority to preclude all debate, upon any question, and force every member of the House to vote, upon any proposition, without giving him the opportunity of explaining his own reasons, or stating the interests of his constituents. This is undeniable. Is it not, then, plain and conclusive, that, as our rules and orders now stand, according to recent construction, every member of this House holds his right of speaking, not on the principle of his constituents, whose Representative he is, but upon the will of the majority of this House? For that which another may at any time take away from me, I hold not by my own right, but at his will. Can any thing be more obviously at variance with the spirit of the constitution and the first principles of civil liberty?

Let not any man say this power will not be abused. In the nature of things it must be abused. This is the favorite argument of every despotism, and, of course, will not fail to be urged when it is about to plant itself in the very temple of liberty.

I have chosen to consider this subject in re-

lation to the right of the whole body, and of one of its individual members, rather than to that of a majority and minority. The right to speak is an individual right. Limit it as you please, consistent with a single exercise of that right. But when this is taken away, or, which is precisely the same thing so far as it respects the principle of civil liberty, when it is in the power of one or many, at its sovereign will and pleasure, to take it away, there is no longer any right. We have our tenure of speech as the slave has his—at the will of a master.

But it is said that the Legislature must sometimes “act,” and that individuals, by an abuse of this liberty of speech, prevent the whole body from “acting.” All I say is, limit the exercise of the right as you please, only do not assume to yourselves the power of taking away the whole right, at your pleasure.

It is in this doctrine, of “the necessity of acting,” that lies the whole mystery of that error which we are now combating. Strictly speaking, a Legislative body never “acts.” Its province is to deliberate and decide. “Action” is, alone, correctly attributable to the Executive. And it will be found, that all the cases in which this necessity of “action” has been urged, have been cases in which the Legislative body has departed from its appropriate duties of deliberation and decision, and descended to be an instrument, or engine, of the Executive. I hesitate not to say, that this position may be proved by almost every instance in which this necessity of action has been urged. It was an Executive haste to its own purposes, which prevailed upon the Legislative body to deny, to its own members, their privileges.

It has been asserted, that “if this amendment passes, this will be the only deliberative body in the world which cannot stop debate.” On the other hand I assert, that if this amendment does not pass, this will be the only deliberative body in the world, pretending to be free, in which it is in the power of a majority to force a decision, without any deliberation. It is not true that, in the British Parliament, the previous question stops debate and forces decision on the main question without deliberation. The previous question there, if decided in the negative, suppresses debate, by postponing the main question. And until 1807, the practice and rules of this House permitted debate of the main question, after an affirmative decision of a previous question. Whoever undertakes to examine the subject will find it as I have stated.

It is not true, that this power ever was, or ever can be *necessary*, in a Legislative body. In every case in which the previous question, according to recent construction, has been pressed upon the House, it will be found that there was no *National* or *State necessity* for an immediate decision. That is to say, in every instance it will be found, that it was of no sort of public importance whether the main question were taken on this day, on the next, or on a third day. Always the question might have been

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taken in a reasonable time; and every individual member, who chose to speak, might have had the privilege, if he pleased, of speaking, at least once. As far as I observed, all these pretences of necessity have been easily resolvable into party cunning. The subject was one difficult to maintain. It had popular bearings, which it suited not the pleasure of the majority to have investigated. They pressed the minority to instant decision, by refusing adjournment. And as it happens in all such cases, re-action is equal to action. The minority were put upon their mettle, and they put to trial the mettle of the majority.

It is undoubtedly true, that this power may be sometimes convenient. And this is the whole strength of the argument of those who oppose this proposition. The weak and aged members of the majority have been kept all night from their slumbers, by a hale and sturdy minority; which slumbers they might, by the way, at any moment have enjoyed, if that very majority had yielded the point of adjournment. And is this reason of convenience sufficient, in the estimation of this House, to justify it, in depriving this people, in the person of their Representatives, of the essential right of speaking upon this floor? Is this a justification for such an atrocious and exorbitant grasp at power? Our patriotism, nowadays, can submit to no sacrifices. We are not content with sleeping, if we please, every day in our seats, unless we can sleep also every night of the session in our feather beds. And these feather-bed patriots, as I understand, are all agog for a march into Canada; and, if we believe them, are desirous of nothing so much as showing how those can meet privation and watchfulness in the field, who think of nothing but comfort and sleep upon this floor.

I know there is another argument urged in favor of the assumption of this power by the majority, and that is, the haste and clatter which always attend the end of a session. Let our session be long or short, the event is, in this respect, always nearly the same. What with speeches and postponements, and laying down one piece of business half finished, and taking up another, the latter end of a session is a political chaos. The work of this and the other House, and that of the Palace into the bargain, is in fact sometimes to be washed up, in a night—and the members of all branches are knee-deep and shoulder-deep in the suds. Now, this shows the necessity, not of this unlimited power of the previous question, but of conducting public business with more prospective intelligence. The House is just like all other spend-thrifts. It first wastes what is its own, and then seeks how it may make up its deficiency out of the property of other people. We pillage the public liberty, in order to compensate for legislative negligence.

I have often been puzzled to imagine a necessity, which could even apologize for such an assumption of power as the majority, by this new

construction of the previous question, are attempting; and, until lately, I did not believe that it could possibly exist. The only case, in which there seemed to me to be an apology for resorting to it, was, the other day, when the gentleman from Georgia (Mr. TROUP) threatened to call the previous question upon the majority themselves. I admired both his manner and the occasion on which he introduced that idea. And really there was something like a necessity. If I understood the view of that honorable gentleman, it was, that he thought there was not fighting matter to spare in the stomachs of the majority; and he threatened them with the previous question, lest, peradventure, the whole war spirit should ooze away through the mouth. In this there was both discretion and patriotism.

Mr. BRIGHAM said, that although he was forward in life, he was but of yesterday of this House, and that the rules and orders were not familiar with him. But he exceedingly regretted that this House, in their wisdom, ever found it expedient or proper to adopt a rule to deprive a minority, or an individual member of this House, of the freedom of debate, the freedom of speech, a privilege so much boasted of in this land of liberty. He observed that he had his rights in common with the other members of the House, and that he had his duties to perform. He was not ambitious to become a public speaker, nor would he say that he supposed he could speak to the edification or satisfaction of the House. But should he, on great questions, be denied the privilege of speaking? Suppose the question of peace or war should assume the aspect of solemnity, and it should become necessary and important that this House be made acquainted with the circumstances and disposition of the citizens of the several sections of the country—and suppose a member who is not much accustomed to speaking, silently sits until those gentlemen who are in the habit, and are fond of speaking, shall have exhausted themselves in debate—shall he, in that case, be denied the right of speaking—shall he be deprived of his constitutional privileges and his constituents of the right of representation on the floor of this House?

He said that he was bound by the oath of God to support the constitution, and to promote the welfare of his country; but, if his mouth is stopped, how can he execute his trust or perform his vows? For this House by a rule to interdict the freedom of speech, is an assumption of power, and a violation of right. He hoped, that the rule under consideration would be modified, and that the proposed amendment would be adopted. He wished that each individual member might be permitted to exercise his right of speaking to any question before the House, at least once, if he chooses.

Mr. NELSON spoke in favor of the amendment. He said he had no hesitation in declaring, that whenever right and expediency shall come in competition, that he should prefer right. He

remarked, that the constitution secured the freedom of speech to the citizen. And are we, he asked, to be deprived of it when we come to this House—when we enter this temple of liberty? The attempt is not to suspend merely, but to destroy this right, and because we have experienced some inconvenience from this exercise. He agreed with the gentleman from Massachusetts, (Mr. QUINCY,) that if the House would do their duty, and get the business along in the early part of the session, we should never be in the dilemma the House were in, the last session of Congress; and that an inconvenience was a very poor reason for destroying this right of offering our sentiments. He would rather recommend the turning out of doors a member who should become troublesome in speaking too long, than to suffer him to stay in the House and prevent his uttering his sentiments. Even expulsion would not be a greater infringement of his right. The right of the people is the right of their Representatives to speak, deliberate, and decide. As to the plea of necessity, he protested against it as the plea of tyrants.

Mr. ALSTON, of North Carolina, expressed his astonishment, that the gentleman from Virginia (Mr. NELSON) had assumed the ground he had. He said, there were two parties in this House; and asked, is it ever known how a question will be decided, until it is taken?

Mr. BASSETT said, if a stranger was present, and should hear this debate, he would suppose that the question was now for the first time brought forward for the establishment of the rule, against which so much had been said, when it is well known that it has always been the practice.

Mr. PITKIN said, the amendment now under consideration was proposed in consequence of a decision of the House, at the close of the last session, that when the previous question was decided in the affirmative, there could be no debate on the main question; the amendment, if adopted, allows a member, who has not previously spoken, to speak at least once on the main question, before he is called upon to give his vote upon it.

The principle adopted by the majority, during the last days of the last session, and now supported in the House, is this, that a majority, who may happen to be present, at any time, have it in their power, by means of a previous question, as it is called, to prevent all debate on every question before the House, however important it may be; to seal up the lips of every member, and compel him to vote upon the question without an opportunity of expressing his sentiments upon it, or explaining the reasons of his vote. This, Mr. Speaker, is a principle to which I never *have*, and to which I never *will* give my assent. What, sir, let me ask, and where is the rule under which the majority claim to exercise this enormous power—the power of imposing silence upon any member, on this floor?

The rule, under which this power is claimed,

is in the following words: “The *previous question* shall be in this form: Shall the main question be now put?” It shall only be admitted when demanded by five members; and, until it is decided, shall preclude all amendment and further debate of the main question, and that “on a previous question there shall be no debate.” By a new construction, which a majority of the House thought proper to give to this rule, at the close of the last session, all debate may be prohibited on any question; for five members alone can demand the previous question, and then, of course, all debate must cease, until a decision be had on that question, and if the previous question be decided in the affirmative, by this new construction of the rule, there can be no debate or amendment of the main question. Thus, sir, unless the amendment now proposed be adopted, if a proposition for a declaration of war against Great Britain, or any other nation, should be laid upon your table tomorrow, it will be in the power of a majority of the House, and that majority may consist of less than forty members, to impose silence upon every member of this House; and we must be compelled to vote on a proposition so interesting to the prosperity, happiness, and perhaps the final destiny of this country, without the poor privilege (if we might choose so to do) of raising our voices against it. But, sir, the opponents of the amendment say, that the construction given to the rule the last session, was in conformity with the universal practice of the House, from the establishment of the Government, except in two or three instances.

I deny, sir, that this has been the practice, and I believe I may venture to assert, without fear of contradiction, that no such power has ever been exercised over the members of this House, since its organization, until the last session. I have, sir, examined the journals, with some attention, and have not been able to find a solitary instance of the kind. On the contrary, many cases are to be found when the previous question has been decided in the affirmative, and that, immediately after the main question has not only been *amended* but has been *debated*. And here, sir, permit me to observe, that the rule itself, with respect to the previous question, was adopted the first session of the First Congress, and has ever since remained precisely in the same form; and no construction was ever given to it, so as to prevent debate on the main question, until the last session.

Permit me to refer the House to the Journal of the first session of the Third Congress, for the proof of what I have stated. During this session, the difficulties then subsisting between this country and Great Britain, became the subject of discussion, and a proposition for prohibiting all intercourse with Great Britain, in case justice was not done us, was then submitted to the House, and the previous question was called upon it, and decided in the affirmative, after which the subject was not only postponed, but, as appears by the Journal, was both *amended*

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and debated. It appears also from the Journal in 1796, that a proposition was amended after an affirmative decision of the previous question. In the year 1798, when a resolution was before the House for publishing the instructions to, and the despatches from our Ministers to the French Republic, the previous question was moved and determined in the affirmative; and it appears by the Journal that immediately after such decision, on the same day, debate was had on the main question.

But, sir, to come to our own times: on the 15th of December, 1807, a construction was given to the rule, after mature deliberation, by a large majority of the House, that the main question might be debated, after an affirmative decision of the previous question. This was done on an appeal from the decision of the Speaker, "that after the previous question is called for and determined in the affirmative, it precludes all debate on the main question." The House reversed the decision of the Chair by 103 to 14. A similar decision took place on the 2d of December, 1803, in the House—101 to 18. And, sir, I have been unable to find a single decision of the House to the contrary, from the first organization of the Government until the close of the last session. Indeed, sir, the words of the rule itself, show that the construction, which had so long prevailed, was the only true construction which could be given to it. The words are, and until it (viz: the previous question) is decided, "shall preclude all amendment and further debate on the main question." By which it is evident, that amendment and debate of the main question is only precluded, until the previous question is decided, but that after such decision, it was not precluded.

The gentleman from New York, (Mr. GOLD,) and the gentleman from Virginia, (Mr. NELSON,) have truly stated that the previous question was taken from the rules of the British Parliament, and they have likewise stated the reason of its introduction into that body. It was, sir, to prevent debate in the House of Commons upon questions of a *delicate nature* with respect to high personages, &c. Yes, sir, it was introduced there to enable the Ministry to prevent the *Commons* from opening their lips on subjects relating to the Royal Family and the great men of the realm. But, sir, we have gone further than the Ministry and their majorities, despotic and tyrannical as they have been, have ever dared to go in Parliament. For even there members are now, and always have been, permitted to debate on the previous question; but which members on this floor are not now permitted to do. Mr. Speaker, the nature of our Government forbids that the majority should have the power to prohibit all debate on questions which may come before this House. We have not, as yet, I trust, any high personages in this country about whom it would be indelicate or improper for the members on this floor to speak; and let me ask what subject of national importance can be proposed for adoption, on which a member

should be deprived of the privilege of speaking at least once before he gives his vote? Nay, sir, let me ask gentlemen whether this House has a right to compel me, or any other member, to vote on any question, without giving me an opportunity of explaining my reason for that vote. I deny, sir, that they have this right; as a member of this body, I claim the privilege of delivering my sentiments, or what I may consider the sentiments of my constituents, on any subject, before I give my vote upon it. I claim it not, sir, for myself personally, but I claim it in the capacity of a Representative of a free people, sent here, not like a member of the French Council of Five Hundred, for the purpose of voting merely, but for the purpose of deliberating on subjects of high concern to their peace, their prosperity, their happiness. For what, sir, are we assembled here under a constitution the purest in the world? Is it not for the purpose of promoting "the general welfare" of the nation which we represent? And how is this to be done, except by a free communication of our sentiments to each other, on the various plans which may be proposed for that object? The peace, the honor, and interest of this country is confided to our care, and while we are here deliberating on the best means of preserving the one or securing and promoting the other, the constitution has very wisely thrown around us a shield of complete indemnity—"for any speech or debate in this House," we are "not to be questioned in any other place." Will then the majority claim the right of depriving a member of this privilege of speech, a privilege not only thus secured to him by the constitution itself, but for the due exercise of which he is not to be questioned elsewhere? But, sir, those who oppose the amendment say that the construction is founded in necessity; that individual members have abused the privilege of speech; that they have heretofore, and probably will again, make long speeches merely for the purpose of delay, and of embarrassing the proceedings of the House; and that therefore the majority must have it in their power to stop debate, whenever they think proper, and that this power will always be exercised with a sound discretion.

I deny, sir, that any such necessity exists; it is a plea easily made, but generally difficult and in this case impossible to be supported. Why has it so happened that this necessity has never existed until the last session of Congress? Was it then for the first time, that a division of sentiment appeared on this floor? were parties never before heard of in this country? Were not parties arrayed against each other in 1796 on the subject of the British Treaty, and in 1798-'9, on the question of a war with France? Were not the disputes in this House, in those times, as long and as bitter as they have ever been since? Those were times, which have been so often quoted in this House as hard, and unconstitutional; times when the reign of terror prevailed, when corrupt majorities, as has been often

said on this floor, passed alien and sedition laws. And, yet, sir, with all the political sins which have been heaped upon those majorities, the sin of having taken away the privilege of speech on this floor never has been, and as I have proved from the journals, never can be laid to their charge. This House, by the constitution, has the power to "determine the rules of its proceedings;" and in making those rules, it has the right of regulating, but not of entirely preventing debate.

It would indeed be a strange anomaly in politics, as well as in law, that under a general power of making rules of proceeding, we should make a rule to prevent all proceedings whatever. Gentlemen may as well assume the power of preventing a member from voting, as they now do that of preventing him from speaking. I am willing to agree, sir, that the privilege of debate, on this floor, may have been and will again be abused; that on particular subjects individual members have spoken much longer than was necessary, and I may add, also, with much less sense than a majority might have wished; and in some instances they may have prolonged their speeches, merely for the purposes of delay. But, sir, will you deprive a member of the right of speaking at all, because he is unable to convey his ideas in few words, or because he may have very few or no ideas to convey? Or because some may have spoken merely to delay the proceedings of the House, will you make a general rule, by which a member may be wholly deprived of the right of speaking? If indeed, sir, evils do arise in consequence of the liberty of speech in this house, if the business of the nation does not progress with as much rapidity as in countries under the control of an individual; if they are evils which flow from the very nature of our Government, from that freedom which we so highly prize, and from that very constitution which we have sworn to support. So long as we are men we shall be imperfect, we shall bring with us on this floor different views, different ideas on political as well as on other subjects; and it would be strange indeed if, on the various topics of national importance brought before us for discussion, we should not at times come into strong collision with each other.

The question on the amendment was determined in the negative—yeas 36, nays 76.

Mr. STANFORD moved to amend the rules by adding to the end of the paragraph relating to priority of business, the words "but no question of consideration shall be required upon an original motion;" which was also determined in the negative—yeas 30, nays 68.

On motion of Mr. WILLIAMS the said rules were amended by striking out the word "five," in the paragraph prescribing the manner in which the previous question shall be taken, and inserting the words "one-fifth of the."

The question was then taken to concur in the said rules as amended, and determined in the affirmative.\*

\* The wildest supposition of the abuse of this question, in-

FRIDAY, December 27.

Mr. NELSON presented a petition of sundry inhabitants of the Territory of Louisiana, praying that the second grade of Territorial government may be extended to the inhabitants of said Territory.

MONDAY, December 30.

*Burning of the Richmond Theatre.*

Soon after the Journal was read,

Mr. DAWSON rose and addressed the chair. The lowness of his voice, owing to recent indisposition prevented his being heard distinctly; but his observations were nearly as follows:

Mr. Speaker—Virginia, my parent State, has long to mourn the loss of some of her most valuable sons and estimable daughters, who on the night of the 26th of the present month, met their untimely end.\*

Among those who perished in the flames, in the metropolis of that State, on that sad night, were the Chief Magistrate of the State, and a gentleman well known to many of us, and who, for years, held an honorable station in this House. Some of the most valuable and prominent characters in their professions, and others who promised ere long to be ornaments to their country. With these, sir, was the rising offspring of one of our present most valuable members, and many other amiable and virtuous women who adorned and improved society.

These, sir, with many others, have fallen victims to that unrelenting element, notwithstanding the bold and generous efforts which were made to save them.

Their ashes are now mingled with the dust, and their spirits have ascended to Heaven.

It is to us a great national calamity.

I well know, that on such occasions grief, although keen, is unavailing—that the decrees of fate are irrevocable and ought to be submitted to with humility. In order, however, to testify the respect and sorrow which this nation feels for the deceased, and to prove that we sympathize with the afflicted, without further

indulged in by its opponents in this debate, falls short of the reality which has since occurred, and is continually occurring, in the House of Representatives; for the Senate has, thus, succeeded in keeping this gag out of that body. In the other branch, the previous question has become the regular engine of legislation, and is constantly used by party majorities, not only to prevent discussion on the most important measures, but to prevent things from being said which the House and the country ought to know; and which, being said, might be fatal to the measure, or its authors. The only safe way of terminating useless debate is that followed in the British House of Commons. It permits all that is useful, and suppresses all that is annoying. The plainest speaker is heard while he gives information: the best is silenced when he ceases to inform, and begins to annoy. The irregular power of the House, exerted in coughing and scraping, will put an end to the harangue of the most wilful speaker.

\* At the burning of the Theatre at Richmond.

† Mr. Venable. ‡ Mr. M. Clay's daughter.

JANUARY, 1812.]

*Battle of Tippecanoe.*

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comment on this painful subject, I beg leave to offer the following resolution :

*Resolved*, That the members of this House will wear crape on the left arm for one month, in testimony of the respect and sorrow which they feel for those unfortunates persons who perished in the fire in the city of Richmond, in Virginia, on the night of the 26th of the present month.

This resolution was unanimously adopted.

TUESDAY, January 7, 1812.

*Statute of Limitations.*

On motion of Mr. GHOLSON, the House resolved itself into a committee, on a report of the Committee of Claims on the subject of excepting certain claims from the act of limitations. The report of the committee being read, which concluded with a resolve that it is inexpedient to open the act of limitations for the claims in question :

Mr. GHOLSON hoped the committee would not agree to this report. Information had been received from the Treasury Department, stating in a distinct and unequivocal manner, that all this description of claims (which were all liquidated claims, such as indents of interest, certificates, &c.,) might be allowed by the Government, without danger of fraud or imposition ; and, said Mr. G., if justice can be extended to this description of claimants, without danger, why should it be deferred? Only one solitary reason had been offered—that the persons really entitled to these claims upon Government might not get the money. He hoped this would not be sufficient to prevent Congress from doing what was just on the occasion.

Mr. CLAY (the Speaker) hoped the committee would disagree to this resolution. It appears that the officers of the Treasury are of opinion that provision may be made for this description of claims without that danger of fraud, which might possibly arise from a total repeal of the statute of limitations ; that their whole amount does not exceed \$300,000, and the probability is, that one-fifth will never be applied for, should they be authorized to be paid. What, said Mr. C., is this statute of limitations, which, whenever mentioned in this House, seems to make everybody tremble? It is a general rule prescribed by the Government for the direction of its accounting officers in order to exclude unjust claims. What are statutes of limitation as applicable to individual cases? A rule under which individuals claim protection whenever they choose to do so, and when, from the lapse of time, or loss of evidence, they would be injured, were they not to take this advantage. But in these statutes of limitation there are always exceptions in favor of cases of disability, infancy, coverture, insanity, absence beyond sea, &c. But what is the course which an individual would take who found himself protected by a statute of limitation? He would examine the justice of the claim brought against him ; if the claim were

just, if he had been deprived of no evidence by the delay, if as able to pay it as if it had been presented at an earlier day, he will not hesitate to discharge the claim, and scorn to take advantage of the statute. And, said Mr. C., shall the Government be less willing to discharge its just debts than an honest individual? Shall we turn a deaf ear to the claims of individuals upon Government because of this statute? He trusted not. The Committee of Claims ought to examine the merit of every claim which comes before it, and if it be just, decide in its favor. But what, said Mr. C., has been the history of claims for four or five years past? When a solitary claim was presented the House would say, we cannot legislate upon individual cases. They occupy too much of our time. The claim is put aside. The same individual some time after, appears in company with others. We then say there are too many of these claims—their amount is too large, and the Treasury too poor—that there are a great many other claims equally well founded—that justice cannot be done to them all. Sometimes there is a division between the two Houses. This House passes a bill in favor of some particular claim—the other tells you they will not legislate for particular cases ; that if they act, they wish to take up the subject generally. Mr. C. said it was his wish, both in his public and private character, as far as possible, to do justice ; he therefore hoped the course proposed by the Chairman of the Committee of Claims would be agreed to.

The resolution recommended by the report was negatived, 54 to 31 : and a resolution offered by Mr. GOLD, recommending a provision by law for these claims, after some objections from Mr. ALSTON, was agreed to, 39 to 36.

WEDNESDAY, January 8.

*Battle of Tippecanoe.*

Mr. McKEE, from the Committee on Indian Affairs, to whom was referred the Message of the President, transmitting two letters from Governor Harrison, reporting the particulars and issue of the expedition under his command against the hostile Indians on the Wabash River, and the memorials of the Legislature of the Indiana Territory, and the officers and soldiers who served in the said expedition, presented the twenty-fourth ultimo, made a report thereon ; which was read and committed to a Committee of the Whole to-morrow. The report is as follows :

The committee to whom was referred the Message of the President of the United States, transmitting two letters from Governor Harrison, of the Indiana Territory, reporting the particulars and the issue of the expedition under his command against the hostile Indians on the Wabash, and to whom was also referred the memorial of the General Assembly of the Indiana Territory, and the memorial of the officers and soldiers of the militia of Knox county, in the Indiana Territory, who served in the late campaign under the command of Governor Harrison, report :

That they have had the several matters to them referred under their consideration, and have given to them that attention which their importance seems to merit.

It appears to the committee, that the troops under the command of Governor Harrison may very properly be termed *raw troops*: very few of the officers, and almost none of the men, had ever been in actual service; and a considerable portion of them had been only a few weeks withdrawn from the pursuits of civil life. The attack made on this quickly-assembled army by the hostile Indians on the Wabash, when viewed, either as it relates to the nature of the enemy, the time, or the violence with which the attack was made, cannot but be considered of such a character as would have severely tested the collected firmness of the most able and experienced troops. This attack, violent and unexpected as it seems to have been, was repelled by the troops under the command of Governor Harrison, with a gallantry and good conduct worthy of future imitation. The whole transaction, in the opinion of the committee, presents to the American people a new proof that the dauntless spirit of our ancestors, by whom the war of the Revolution was so ably and successfully maintained, has not been diminished by more than thirty years of almost uninterrupted peace, but that it has been handed down, unimpaired, to their posterity.

In estimating the claims of the army on the Government of the United States, it is worthy of remark, that the nature of the country, as well as of the enemy to be encountered, subjected the army to many extreme hardships, and equal dangers, where every thing was hazarded, and but little could be gained, except the regard of their country.

The volunteers and militia (to whose claims the memorials referred to the committee particularly relate) were in actual service but a short time, for which alone they are entitled to pay by law; the compensation, therefore, to which they are entitled, is not at all commensurate to the services rendered, and the dangers incurred. Besides, many of the officers and men who fell, or were wounded, in the battle of the 7th November, 1811, were purchasers of the public lands, for which they were indebted to the United States; which debt falls due in a short time, and the penalty of forfeiture will be incurred if the debt is not paid. It would be unjust to inflict a penalty so severe on the disconsolate widows and orphans of those officers and soldiers of the volunteers and militia, who, in common with their brother officers and soldiers of the regular troops, fell in their country's cause, in a manner so distinguished, that nothing was wanting but a great occasion, interesting to the feelings of the American people, to have crowned their names with unfading laurels.

As an evidence, therefore, of the regard due to the bravery and ability displayed by the troops under the command of Governor Harrison, in the battle of the 7th November, 1811, as well as to relieve the representatives of those who were killed in the action, from the pecuniary losses incurred in consequence thereof, the committee respectfully submit the following resolutions:

1. *Resolved*, That one month's pay ought to be allowed, in addition to the common allowance, to the officers, (according to the rank which they held,) the non-commissioned officers and privates of the regulars, volunteers, and militia, and to the legal representatives of those who were killed or have since died of their wounds, composing the army under the com-

mand of Gov. Harrison, in the late campaign on the Wabash.

2. *Resolved*, That five years' half-pay ought to be allowed to the legal representatives of the officers, (according to the rank which they held,) the non-commissioned officers, and privates, of the volunteers and militia who were killed in the battle of the 7th November, 1811, or who have since died of their wounds.

3. *Resolved*, That provision ought to be made by law to place on the pension list the officers, (according to the rank which they held,) the non-commissioned officers, and soldiers, of the volunteers and militia who served in the late campaign on the Wabash, under the command of Governor Harrison, and who have been wounded or disabled in the said campaign.

4. *Resolved*, That provision ought to be made by law to pay for the horses and other property of individuals lost in, or in consequence of, the said battle.

5. *Resolved*, That the further time of — year ought to be allowed to the officers and soldiers who were wounded, and to the legal representatives of those who were killed, in the said battle, to complete the payments due or which may fall due to the United States on any purchases of the public lands made by them before the said battle.

THURSDAY, JANUARY 9.

#### *Ursuline Nuns at New Orleans.*

The petition which the Speaker laid before the House yesterday, from the Ursuline nuns at New Orleans, was enclosed to him and recommended by Governor Claiborne. It prayed for an exchange of the military hospital for some lots which they hold in that city better calculated for a hospital. After the petition was read,

Mr. DAWSON observed that he had received a letter from Governor Claiborne relative to that petition, and in confirmation of the facts therein stated. This community of nuns is a most respectable and useful member of society, the whole of their temporal cares being directed to the education of female youth. They are that community which some years ago presented a most elegant address to the then President of the United States, and received from him an equally elegant answer.

I am well assured that the lots which they wish to exchange are more valuable, and better suited for the erection of a hospital than those on which the hospital now stands. I therefore move that the petition and accompanying papers be referred to a select committee, who will no doubt converse with the Secretary of War on the subject.

This was agreed to, and Mr. DAWSON, Mr. LOWMYER, and Mr. MACON, were appointed the committee.

FRIDAY, JANUARY 17.

#### *Quartermaster's Department.*

The bill from the Senate "for the establishment of a Quartermaster's Department" came up on its third reading.



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*Naval Establishment.*

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Mr. ALSTON said, if the House would pay attention to the duty of the Purveyor of Public Supplies, and examine the powers given to the Quartermaster General in this bill, it would appear evident that there was no necessity for both offices, and it certainly was not the wish of the House to erect two great departments to perform the same duties. He could perceive no way in which one officer was to be a check upon the other. He liked the bill as it came from the Senate better than as amended, as he saw no necessity for retaining the office of Purveyor.

Mr. TALLMADGE observed, that the great object of this bill, and the only one which made it necessary, was to provide for a Quartermaster General's Department, instead of military agents, as employed at present. There never was such an officer in the staff department in the Revolutionary war. The late Secretary of War, as well as the present, were in favor of this change. The military agents, without much responsibility, had nearly controlled the whole War Department. An attempt was made two years ago to effect this change, but it then failed. The office of Purveyor of Public Supplies was instituted long before that of Military Agent. The duties of the Quartermaster General and Purveyor are very different. The former is a highly respectable and confidential officer; he is next in consequence to the Commander-in-chief, with whom he has frequent communication. Every movement of the Army is first communicated to him. He ought to be a military character. It is his duty to receive and deliver out the necessary supplies for the Army, and to attend to its movements. The duties of the Purveyor is to purchase, under the direction of the Secretary of the Treasury, arms, clothing, hospital stores, and every other article necessary for the Army. So that there is not the least similarity between the two officers; one being the purchaser, the other the distributing officer. If the office of Purveyor were to be done away, the Quartermaster General would have to employ a deputy or agent to make these purchases, which would be putting too much in the power of a subordinate officer, and would do away that check which will exist if the Purveyor be continued, as the purchaser and distributor of the supplies would be in the same person. The Purveyor is also the purchaser of goods for the Indian department.

Mr. WILLIAMS rose to prevent any person from falling into the mistake which the gentleman from North Carolina appeared to have done, by making remarks applicable to the printed bill (a part of which had been struck out and other parts amended) instead of the bill read from the Chair. He deemed it unnecessary to add any thing in reply to what had been so well said by the gentleman from Connecticut.

Mr. ALSTON said he had attended to the bill as read, and not to the printed bill; and insist-

ed that, from the provisions of the bill, the Secretary of War might direct the Purveyor and Quartermaster to purchase the same articles. If the bill was what the gentleman from Connecticut had stated it to be, he should not have objected to it; but it was not.

Mr. QUINCY had doubts whether both these officers were necessary. There was no such officer as Purveyor of Public Supplies during the Revolutionary war. If it were found hereafter that another besides the Quartermaster General was necessary, he could be appointed. There ought certainly to be a responsibility attached to the purchase of supplies, and this might be placed in the Head of the War Department or Quartermaster General. He had not sufficient light on the subject, to say that both these officers are necessary. He was in favor of the bill as it came from the Senate.

Mr. BLOUNT said, that though there was not a Purveyor of Public Supplies during the Revolutionary war, there was a Clothier, who did much the same business. If we are going to war, said Mr. B., he did not see how we could do without a Quartermaster General; and it would be improper for him to become the purchaser of supplies, which it is the duty of the Purveyor to purchase, because, as had already been stated, there would be no check in the business. There must be propriety in keeping the offices distinct.

Mr. MAOON observed, it was impossible to go to war without a Quartermaster General; for there is no man has so much to do about an army as this officer. There was always more difficulty in settling the Quartermaster General's accounts than any other. The only instance in which a Quartermaster General has to purchase supplies, is when, by some miscarriage or accident, the supplies from the Commissary or Purveyor do not arrive in season. It is necessary that such a power should be vested in this officer, to be used on such extraordinary occasions. As had been stated by his colleague, though there was no Purveyor during the Revolution, there were clothiers or agents employed in different situations, which answered the purpose. The qualifications necessary for the Quartermaster General and Purveyor are very different; the one ought to be a soldier, the other a merchant.

The bill passed by a large majority.

#### *Naval Establishment.*

The House resolved itself into a Committee of the Whole on the bill concerning the Naval Establishment.

Mr. CHEVES, the Chairman of the Navy Committee, moved to fill the blank in the first section of the bill with "four hundred and eighty thousand dollars," and said he believed it to be his duty at this time, to disclose to the Committee of the Whole the views and motives of the select committee in reporting the bill. Mr. C. said, I consider this subject as one of the most important that can be brought before this

House; as a great question, involving, to a considerable extent, the fate of a species of national defence the most essential and necessary to the interests of this country. I know, said Mr. C., how many and how strong are the prejudices, how numerous and how deeply laid are the errors which I have to encounter in the discussion of this question; errors and prejudices the more formidable, as they come recommended by the virtues, and shielded by the estimable motives of those who indulged them. I have been told that this subject is unpopular, and it has been not indistinctly hinted, that those who become the zealous advocates of the bill will not advance by their exertions the personal estimation in which they may be held by their political associates. I will not do my political friends the injustice to believe that these exertions will diminish their confidence; but, could I think otherwise, I hope I shall never be diverted from a faithful discharge of my duty by considerations of this kind. I wish to lead no man, and I am determined not to be blindly led by any man. In acting with a party, I do so, because I adopt their leading principles and politics as the best, and because I believe, from the nature of free Government, it is necessary so to act to give efficiency to the exertions of any individual; but I do not feel myself, therefore, bound to renounce my deliberate opinions on all the great interests of the nation, or to take no independent part in the exertions of the party to which I belong. I sincerely believe that, if this infant Naval Establishment be either abandoned or put down, the party who now form the majority in this House, and in the country, may run great risk of becoming the minority, not only within these walls, but in the nation.

It has been said, by a strong and lively figure of rhetoric, that this country is a great land animal, which should not venture into the water. But if you look at its broad high back, the Alleghanies, and its great sides swelling to the east and to the west, where do you find its immense limbs terminate? Not on some great plain which has been formed for their reception, but in two great oceans, the Pacific on the one side, and the Atlantic on the other. The figure explains the true interests of the country, in the inseparable union and necessary dependence of agriculture and commerce. The God of Nature did not give to the United States a coast of two thousand miles in extent, not to be used. No; it was intended by this bounty to make us a great commercial people; and shall we ungratefully reject the enjoyment of his unexampled beneficence? No, it has not and will not be neglected. A great portion of our people exist but upon the ocean and its fruits. It has been eloquently, and not less truly than eloquently, said, that "the ocean is their farm," and it must and will be protected. But how is this protection to be afforded? I will endeavor to prove that it can be done, and done most cheaply and effectually by a naval

force; and if I succeed in this, I shall hope for the concurrence of the committee. No proposition appears to me more true or more obvious, than that it is only by a naval force that our commerce and our neutral rights on the ocean can be protected. We are now going to war for the protection of these rights; but in what way, and under what circumstances? The mode is altogether accidental, and not founded on the permanent relations or means of the country. It is not my intention to condemn the course which has been taken. It has had my hearty concurrence, and my zealous, though feeble, support. I hope it may be altogether effectual; and I believe it will inflict a wound which will be felt with poignancy. But it is, notwithstanding, partial and accidental; for, if Great Britain had not the Canadas on our borders, how could we attack or resist her, armed as we are? If we possess ourselves of the Canadas, and this we shall certainly do in the event of war, how and where shall we then continue the war without a naval force? We shall suffer the evils of war, without inflicting any of them on the enemy. We cannot send our regulars or our volunteers on the ocean. Does it not then result, inevitably, as the dictate of common prudence, that we should, as soon as possible, commence our naval preparations? The Naval Establishment of the United States has been heretofore so much neglected, that it is at present in a state of lamentable depression; and the question now is, whether we will suffer it to go down entirely, or attempt to raise it up to some degree of respectability. Some gentlemen say, "if you had asked for no more than the reparation of the frigates in ordinary, we might have granted your request." But, for myself, I would not thank any gentleman for this concession. The select committee conceived it to be their duty to bring the question fully before the House in the shape in which they have exposed it. Not to ask merely what it would do to assist by naval co-operation, in the first efforts of the contemplated struggle, but principally what it would do towards establishing and perpetuating a respectable naval force for the protection of those important rights of the people, which are, and must continue, exposed upon the ocean. Their determination was plainly, candidly, and boldly to speak to the House, and through it to the nation, on this great question, and leave its fate to the wisdom of the one and the good sense of the other.

That a respectable Naval Establishment affords the only effectual means of causing our commercial rights to be respected, will, as a general proposition, be denied by few persons, if any. But its adoption by us is deemed improper by those who oppose it, on the grounds of the enormous expense which, it is said, the establishment will necessitate, and the inability of the nation, by any force which it can provide, to resist, with effect, the immense naval power of Great Britain. Is it not surprising

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*Naval Establishment.*

[H. OF R.]

that so much prejudice should exist against this establishment on account of its expensiveness, when it is ascertained that, during the whole eighteen years of its existence, from 1794 to 1811, inclusive, it has cost the Government only \$27,175,695! I am afraid I shall be tedious, because the only way in which I hope to bring conviction home to the minds of the House, is by entering, with minuteness and precision, into a dry detail of figures and statements; but the necessity of the case must be my apology for the course which I shall take. If the House shall have full confidence in my statements, much will be gained to the argument; for it will be difficult, if not impossible, for the hearer to follow me through an examination of these details, as the argument proceeds. For this confidence, therefore, I will venture to hope. I believe the statements on which I rely to be accurate, as far as accuracy is material to the discussion. I will state them with candor, and, when I have concluded, I will put them into the hands of gentlemen who may wish to examine them for their own satisfaction, or to refute them. The average annual expense of this establishment, so much censured for its wasteful and improvident management, has but little exceeded \$1,500,000, which is not much more than twice the amount of the usual annual appropriation for our economical Civil List. It has been generally supposed that it has been much more expensive than the Military Establishment, but I will show that this is not really the case. The expense of the Military Establishment, from 1791 to 1811, inclusive, has been \$37,541,669, giving an annual average of \$1,700,000, or \$200,000 per annum more than that of the Navy. It thus appears that, in the gross amount, as well as in the annual expenditure, the Army has been more expensive than the Navy. Compare, too, the services of the Army with those of the Navy, and it will be found that those of the latter have been most useful and most honorable to the nation. I know of no service of this character which the Army has performed, except the defeat of the Indians by General Wayne, and the late gallant affair on the Wabash. The Navy, in the contest with France in 1798, were victorious wherever it encountered an enemy, and probably laid the foundation of the subsequent accommodation with that nation. In the Mediterranean, its exploits gave a name to the country throughout Europe; humbled, in an unexampled manner, the piratical and barbarous foe, and crowned itself with a reputation for intrepidity and heroism, which had not been exceeded by the exploits of any nation, and which must go down to a distant posterity. I mean not, by this comparison, to say any thing injurious to the Army; but only to declare that preference to which I think the naval services of the country are entitled. Admitting, if it be desired, that the Navy has heretofore occasioned an expense not warranted by its force or its services; and I cannot deny but that, from

a variety of causes, the expense may have been unnecessarily great; an argument cannot thence be fairly drawn against its future use—the contrary is the fair conclusion. Past errors lay the foundation of future improvement. It was thus the greatest orator, and one of the greatest statesmen of antiquity, reasoned. The great Athenian orator, when rousing his countrymen, by his impetuous eloquence, to resist the ambition of Philip, declared that it was on their past misconduct that he built his highest hopes; for, said he, “were we thus distressed, in spite of every vigorous effort which the honor of our State demanded, there were then no hope of recovery.” So may we reason in this case; for had these extraordinary expenses been the result of good economy, then, indeed, would their diminution be hopeless; but, as they have proceeded from a wasteful or unskilful expenditure, the remedy will be found in a reform of the abuse; to effect this reform, is the duty of Congress. But it has not only been less expensive than the Army, but it may be proved, as the committee have declared in their report, that “a naval force within due limits and under proper regulations, will constitute the cheapest defence of the nation.” This will be partly proved by a comparison between the expense of the permanent fortifications of our maritime frontier and that of an adequate naval defence. The experience of modern naval warfare has proved that no fortifications can prevent the passage of ships of war. The present fortifications of our maritime frontier, though they are more numerous and better than they have been at any other period in our history, cannot prevent an inconsiderable naval force from laying many of our towns in ashes. Indeed, it is believed that no fortifications which can be erected will afford a complete protection against such attacks, while their expense would be oppressive to the nation. The city of New York alone, if completely fortified, would require a further expenditure of three millions of dollars, and a garrison of ten thousand men, and then might be laid in ashes by four or five seventy-fours. But we have a coast of two thousand miles to protect, the expense of which could not be borne by the nation. A better defence would be furnished by such a naval force as would give you a mastery in the American seas, and at home much less expense.

The superior cheapness of naval defence seems to me to be satisfactorily established, and I am next to prove that the force proposed—I mean twelve seventy-fours and twenty frigates—are sufficient to protect us in our own seas, and defend our ports and harbors against the naval power of Great Britain. The first evidence that is offered in support of this proposition, is the opinion of naval men; and if the representations of any man may be relied upon with confidence, so far, at least, as that they are not founded in deception, I believe those of a sailor may be. By naval men, I have been assured that this force is adequate to

the object proposed. It is impossible for me to state with accuracy, or in a manner calculated to give a due impression of them, all the reasons which they offer in support of their opinion, but among them are those detailed in the report of the select committee. Indeed, they advance the opinion, and support it with reasons, the error of which, if they be erroneous, I am unable to discover, that it will require the enemy to employ a triple force to put himself on a footing of equality with that of the United States. Their reasons are, as nearly as I can state them, these: there must be stationed on our coast, at any given time, an equal force; this force cannot be fitted out, unless with great disadvantage to the service in point of expense, and in respect to the health of the crew, for much more than three months' service. An equal force must be put in requisition and kept in readiness to relieve that on the station. But, as all the equipments of the enemy must be made in Europe, the force destined to relieve the first must be despatched by the time the first may be supposed to have arrived on our coast, because it will be necessary, at a period as early as the arrival of the second, for the first to return; but the first could not proceed to Europe, be equipped, and return to relieve the second in time; and therefore a third equivalent force is necessary, and thus three times the force of the United States must be employed by the enemy to place himself on a footing of equality with it. History may be resorted to, with confidence, to prove that neither Great Britain, nor any other nation, has ever been able to station, for any length of time, in distant seas, a force equal to that which, in the opinion of naval men, is sufficient to accomplish the objects proposed by the committee—the dominion of the American seas, and the defence of our ports and harbors. There is one fact which, above all others, shows the inability of Great Britain to keep a large fleet on our coast. From the frozen regions of the North to the Isthmus of Darien, she has not a port fit for naval equipment or repair, except Halifax; and if, as the opponents of the Navy seem to think certain, and I hope their opinions may be realized, we shall, in the event of war, deprive her of that, she will be without the means of repairing a disabled vessel in our seas. Under such circumstances, any thing but temporary service would be utterly impracticable.

But, said Mr. C., on the subject of the British naval force, there is great misconception. The high-sounding number of a thousand ships appals the mind, and an examination of its actual force, and the numerous requisitions which are made upon it, is usually rejected as an idle labor. Let this examination be made, and at least some part of the terror which it excites will vanish. Of the eight hundred and thirty-three ships which Great Britain had in commission in 1801, and she never had more, it is believed there were only three hundred and eighty-three that exceeded the size and capacity of the large pri-

vateers that will probably be fitted out by the citizens of the United States, in the event of war. Of this last number, there were one hundred and forty-two of sixty-four guns, and above; twenty-two between fifty and sixty guns; one hundred and fifty-six between thirty-two and forty-four; and sixty-three between twenty and thirty guns. The remainder of the vessels in commission consisted of one hundred and seventy-four sloops, one hundred and forty-one gun-vessels, and one hundred and thirty hired vessels. These hired vessels are small vessels, of from four to ten guns, which, it is believed, are only employed for revenue purposes. This review and enumeration, I have no doubt, proves the actual force of the navy of Great Britain, however great it really is, to be much inferior to the impression almost universally received, from the high-sounding boast of her thousand ships. Nor has the actual force of the British navy been more misconceived than the application of it. The common impression is, that the Government can direct to any given point almost an unlimited number of ships. But if this delusive impression be removed, it will be found that, notwithstanding the greatness of the force, the points to which it must be destined are so numerous and dispersed as to put it all in requisition. This I will prove by reference to the distribution of her fleets in 1801. [Here Mr. C. read a statement of the force and distribution of the British fleet at that time.] From which of these stations, said Mr. C., could she have spared, with safety and prudence, a portion of the force employed? Could she, from all, have stationed and continued in our seas a force which would have been equal, under the disadvantages which have been pointed out, to twelve seventy-fours and twenty frigates? How much less would she have been able to have furnished a force which would be superior to a naval armament whose expense should equal that of the military preparations of the present year? But it may be said, that the ships which Great Britain has in ordinary would be more than equal to any increase which any circumstances would require. This might be true, were her seamen unlimited in numbers, and her pecuniary resources inexhaustible; but both are limited, and so must be her naval armament. To fit out vessels which she has in ordinary, would require, within a few thousand, all the seamen in her merchant service, and such an addition to her annual expenditure, as the nation neither would nor could bear. The true object of inquiry to ascertain her efficient power is, what number of vessels is she practically able to keep in commission, and the answer may be received in a shape the most unfavorable to my argument, yet confirmatory of it, in the example of 1801, the year which I have selected for illustration, when it is confidently believed her equipment was greater, combining force and numbers, than at any other period of her history.

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*Naval Establishment.*

[H. OF R.]

But, while it is contended by some that it will not be in the power of the nation to establish an effective naval force, there are others who are opposed to it, lest we become too great a naval power. They fear that our fleets will cover the ocean, and seeking victory on all the opposite shores of the Atlantic, involve the nation in oppressive expenses, and in wanton and habitual wars. Such objects are certainly not contemplated by the report of the committee; nor can such events possibly happen, as long as we remain a free people. The committee have recommended such a navy as will give to the United States an ascendancy in the American seas, and protect their ports and harbors. The people will never bear the establishment of a greater force than these objects require. The reasons which forbid Great Britain, or any other European power, to station large fleets on our seas, will equally forbid us to cross the Atlantic, or go into distant seas, for the purpose of frequent or habitual wars.

But a navy is said to be anti-republican, because it was opposed by the Republicans in 1798. I apprehend, however, that it was then objected to, not because it was anti-republican in itself, but because the Republicans of that time believed it was to be employed for improper objects; because, while it was unnecessary at the time, it was of such a nature as only fitted it for the time, because it was part of a system which embraced unnecessary armies and unnecessary taxes and loans, to continue a war beyond the just objects of war—a war which, to use the language of the day, was to be waged by every man, woman, and child, in the nation, to which we are opposed.

We are told, also, that navies have ruined every nation that has employed them; and England, and Holland, and Venice, and other nations, have been mentioned as examples. The vast debt of Great Britain is declared to be among the pernicious fruits of her Naval Establishment. This I deny. Her debt has grown out of her profuse subsidies, and her absurd wars on the land. Though the ruin, which is supposed to threaten England, is attributed to her navy, it is obvious that her navy alone has saved and still saves her from ruin. Without it she must, long since, have yielded to the power of France her independence and her liberties. We are told that the same wealth which she has expended in supporting her navies would have been employed more profitably for the nation in the improvement of its agriculture and manufactures, and in the establishment of canals and roads, and other internal improvements. But experience is better than theory. Let us compare England with nations which have no navies, or comparatively inconsiderable navies. The nations of the Continent of Europe are without such overgrown and ruinous Naval Establishments, but do you there find the highest improvements in agriculture, the most flourishing manufactures, or the best roads and canals? No, it is in this nation, that

has been ruined by her navy, that you find all these improvements most perfect and most extended. I mean not either to be the panegyrist of England; but these truths may be declared for our instruction, without suppressing the feelings excited by the wrongs she has done us. England has not, then, I conclude, been destroyed or impoverished, but preserved and enriched, by her navy. Was Holland ruined by her navy? No; surrounded by the great powers of the continent, with a population not exceeding 2,000,000 of souls, she protected and secured her independence for more than a century, against her powerful neighbors, by means of her commercial riches, which were cherished and defended by her naval power. Did Venice owe her decline, or fall, to her navy? While the neighboring Italian States were subdued, year after year changing their masters and their tyrants, she long continued to ride triumphantly amidst the storm, independent, and, in a great degree, free. It was her naval and commercial power which made her rich and great, and secured her existence as a State so long. Look even at the little Republic of Genoa, whose inhabitants, but for its commerce and its navy, would scarcely ever have possessed "a local habitation," or "a name!" But I must have exhausted the patience of the House, I will therefore conclude the observations which I proposed to make on the general merits of the question.

SATURDAY, JANUARY 18.

*Naval Establishment.*

The House then resolved itself into a Committee of the Whole, on the Navy bill; when Mr. CHEVES finished his speech in favor of the bill, as given in full in preceding pages.

Mr. SEYBERT.—I rise under a pressure of more than ordinary embarrassment—prudence on one hand bids me shrink from the task which I am about to undertake; whilst on the other hand, a conscious duty impels me to engage in the consideration of the question now before the honorable committee. My friend from South Carolina (Mr. CHEVES) says this question is all important to this nation; in this I perfectly coincide with him, and therefore cannot rest satisfied with a mere vote on this occasion. Sir, it is not my intention to follow the gentleman from South Carolina through all the windings of the labyrinth into which he has ventured to penetrate. I will not pretend to chase reason on the wing.

I will not particularly follow the gentleman in his comparison of the Army and Naval Establishments of the United States. He has stated to us that the Army has cost this nation much more than the Navy; he concludes we ought to be equally liberal in our appropriations for both these purposes. Sir, I perceive no reason in this assertion. Some gentlemen on the other side of the House may say, that we have been lavish in our appropriations for an

army; even admitting that in this respect we have been liberal to extravagance, it surely cannot be inferred that we should make ourselves doubly guilty of this charge. I will agree to make appropriations for the establishing a navy for the United States. The gentleman from South Carolina has told us, that when the war which we are about to wage, shall be over, our Army will leave us. Sir, I am happy to hear that on such an event the military will be readily disbanded—a dread of the contrary gave much uneasiness to many a few days since—this is just what we wish should take place. On the other hand, said he, “your proud Navy,” will remain. It is for this, with many other reasons, why I am opposed to a navy. I wish he could have proved to us, that with the end of the war the Navy would also leave us; perhaps I should then agree with him in favor of its establishment: though the “proud Navy” will remain with us, he has neglected to tell us at what rate of expense.

Sir, the gentleman from South Carolina says many oppose a navy, because they deem it an anti-republican institution. On this head, I shall remark but little: I will only ask if it is to remain with us in times of peace with its numerous train of officers, may it not become a powerful engine in the hands of an ambitious Executive?

Sir, it was thought proper to make the foregoing remarks as preliminary to the subject. The question of a Naval Establishment for the United States more especially concerns those who inhabit commercial districts. As one of these I am much interested. Many persons maintain, that a naval system of defence is indispensably necessary to a nation, whose seaboard extends more than 1,500 miles, with a shipping interest amounting to 1,800,000 tons—in this respect, ranking the second of modern nations. The argument is as specious as it is plausible; it is liable to many, and in my opinion, to insuperable objections. The proposition before us will be considered as leading to a *permanent* Naval Establishment. This course is warranted by the report of the Secretary of the Navy as well as by the mode which was pursued by my friend from South Carolina. I shall not hesitate to declare my decided opposition to such an establishment, and will proceed to state the objections whereon my opinion is grounded. Sir, I deem it inexpedient to commence a permanent Naval Establishment at this time. We are quite unprepared for it—we are in want of all the necessary materials; though we have been told that our forests abound in all the necessary timber, it was said little of this material was to be found in our dockyards. The gentleman from South Carolina has told us, that a sufficiency of seasoned timber, to build four seventy-fours, was now on hand, and that the proper authority deemed it advisable to be used for frigates. Sir, this timber is a portion of that which was purchased some years since, for the purpose of building six

seventy-fours. It now appears, that of this timber as much as was sufficient for two of these vessels, has been employed to build smaller vessels or gunboats, I presume. This is all a piece with our pretended economy. This mode of proceeding will not answer, sir. We are in the wrong from the commencement of our Navy. I do not wish it to be understood that I have decided a navy will never be a proper mode of defence for this nation—but whenever it shall be determined on, we should begin right; this can only be done by following those nations who have had most experience on the subject. Our first step should be to store away the proper timber. This should be done in times when we can best afford it—in times when our market is glutted—in times when labor can be commanded at fair prices—at a period when we enjoy peace, and surely not when we are about to engage in a war. We have heretofore paid the highest price for every article; we have given double wages for labor; and instances might be mentioned, when the workmen were transported in stage coaches, at an enormous expense, from our large seaport towns to the navy yard of this city. Contracts for timber were made in haste and at a very advanced price. As soon as it was obtained, it was put together, and in a few months we saw it floating in the form of a ship of war—rotten ships, I may say, sir, for I believe without exception in the frigates which were built by the United States, the more important parts decayed and were rotten in two, three, or four years. In many instances the expense for repairs was equal to the original cost. A single frigate, the Constitution, has cost for repairs, from October, 1803, to March, 1809, the enormous sum of \$302,582 21, or upwards of \$43,000 per annum for seven years in succession.

Let us view this subject in a more extended sense—I mean as regards our commerce generally—we shall still have cause to entertain the opinion which we first adopted. We cannot protect our commerce on the ocean. Our ships have vexed every sea—we trade to all parts of the world; of course, to protect our commerce, our ships of war must abandon our coasts and encounter all the force of the enemy or those of Europe. The ports we have in view are European. If your frigates, for convenience and safety, are to cruise only on your coasts, what will be the fate of the millions which are embarked beyond the Cape of Good Hope? By this management surely you cannot afford it protection. France, Spain, and Holland, when combined and backed by an armed neutrality in the north of Europe, could not secure their commerce. The fleets of Great Britain now sail triumphant over every wave of the deep. The Russians have a navy far superior to that which it is proposed we shall establish, and they cannot protect their trade in the confined limits of the Baltic. They count fifty or sixty sail-of-the-line, besides many frigates and smaller vessels.

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*Naval Establishment.*

[H. OF R.]

Sir, the expenses which are incurred by a Naval Establishment, far exceed the profits which arise from the commerce which it is intended to protect. This proposition is warranted by the experience of Great Britain, the most commercial nation of modern times. In the year 1798, the total imports and exports of Great Britain amounted to £94,952,000. For the same year the expenditure for her navy amounted to £18,654,018, or about one-seventh of the total imports and exports, or fourteen per cent. on the total capital employed in commerce. What regular trade can yield such profits on the outward and inward cargoes? To me this is a secret. In the year 1799 Mr. Pitt computed the profits on the commerce of Great Britain at £12,000,000, or one and a half millions less than the expenses for her navy the preceding year!

Sir, the expenses which are necessarily connected with a Naval Establishment, constitute a very serious objection to it. At this time, the annual expenditures for the British navy amount to nearly £17,000,000, or \$80,000,000. Every succeeding year brings with it an increase of expenditures: This has been the result year after year since the commencement of the institution. Our prospects will be the more evident when we take a view of the expenses which have been already incurred for the infantile establishment of our country; we shall be led to the same conclusions. The American navy was commenced in the year 1794, and by the end of the year 1811, the expenditures amounted to \$27,456,979—a sum much greater than the one-half of the public debt on the 1st of January, 1812. This would have been much better applied, had it been placed with the Commissioners of the Sinking Fund. I will ask the gentleman from South Carolina, what has the nation benefited for this enormous expenditure? What would have been the amount expended, had this engine been Herculean, with Admirals of the Red, White and Blue squadrons, with numerous dock and navy-yards, placemen, &c.? For we shall gradually advance to all this, if we do not stop short at this time. For the benefits of such appendages, I will refer you to a statement made to this House, the last session, concerning the navy-yards belonging to the United States; especially to the details of the expenditures of that connected with this city. The document I refer to, was laid before this House on the 25th February, 1811. It will inform you, sir, that the value of the work done from the 1st of January to the 31st of December, 1810, was \$78,947 52. The commandant confesses, in his returns made to the Secretary, that this work, in many instances, is rated twenty per cent. above the prices paid in other places. The salaries in this same yard, for the same year, (1810,) amounted to \$95,687 64½. So that the pay for the salaries and the wages at this navy-yard, exceeded the value of the articles manufactured, even when rated far above the fair prices, in amount \$21,790 12½! This establishment is under the immediate eye

of the Government; we might suppose every attention was paid to economy; if so, who will desire further proofs of the advantages of a navy!

Sir, I further object to a navy, because it will be the means of exciting many wars, which, without the establishment, may be honorably avoided. It is said, nations are involved in war, in proportion to the extent of their navies; and some assert (Brougham) that a perpetual war is one of the two modes which are necessary to support a powerful naval establishment. Sir, a naval establishment will create a new and a dangerous interest in our country. Nothing is more common than to be told, that such are the wishes of the naval interest of Great Britain, and that this or that war must be entered into to gratify them. For my part, sir, I shall be very sorry indeed, if ever the period arrives in the United States, when any particular interest or community shall direct the Government, whether it be naval, agricultural, manufacturing, or commercial—the general welfare should be the sole great ruling principle in the National Councils.

Sir, I am deterred, when I consider the fate of all those nations who at different periods have been famous for their navies. The naval strength of the Hanseatic League was such, two centuries past, as to excite terror on the part of England. These, sir, distant free cities, are now the appendages of mighty France, and have no political existence. Who has not heard of the once formidable fleets of Venice and Genoa? At one time England was indebted to the latter for officers to command her ships of war—alas! these republics are now consigned to oblivion. Denmark was at one time the mistress of the ocean; by means of her fleets she often invaded England, and held her in a state of subjection. The Danes heretofore burned London, Paris, and other great cities—they are now controlled by France, and they have had their Copenhagen defeat. Holland, with her Van Tromps, and De Ruyters, occupied the British Channel at pleasure; this power defeated the navies of England and France. Where is Holland now? Incorporated as a part of the French empire. Spain boasted her invincible armadas; Elizabeth of England, by nature haughty, proud, and ambitious, trembled at the very mention of them, until they were dispersed and destroyed by storms at sea; Spain is now the vassal of France. Not very long since the navy of France sailed triumphant along the British coast, looked into Portsmouth harbor, and taunted British spirit. I ask you, sir, where is the strength of which these nations formerly boasted? All are inoperative, and dread the gigantic power of the British navy—they are in part sick in dry docks, or are blockaded in their ports.

Mr. Chairman, Great Britain, though at this time triumphant in every sea, if she persists in her expensive naval establishment, with her present debt of £900,000,000, which was chiefly

created for her navy—Great Britain, sir, I say, with all this, must sink under the heavy pressure. She will hereafter derive very little satisfaction from her brilliant victories on the 1st of June off Cape St. Vincent, Camperdown, Aboukir, and Trafalgar.

Shall I be pardoned, sir, when I fear our vessels will only tend to swell the present catalogue of the British navy? Of the 1,042 vessels which she possessed in July, 1811, one hundred and nine were captured from the French, forty-six from the Danes, twenty-five from the Spaniards, twenty-four from the Dutch, and three from the Italians; making a total of two hundred and seven captured ships, or one-fifth of her whole navy.

Small ships are proper for the service of the United States—by their agency we shall be able to annoy the convoys of an enemy. The privateers which were fitted out in every port during our Revolutionary war, destroyed much of the British commerce, even in the British and Irish Channels, whilst the frigates which were built by the Government did little or nothing—but two of them remained at the conclusion of the contest. The enemy will not watch your small vessels; they may enter all your small inlets, where heavy vessels cannot venture to approach them; and, at the conclusion of the war, they may be sold for the merchant service. I shall not follow the gentleman in his remarks on the bill before the committee; I shall vote against it, though it is my present intention to appropriate the sums requisite for the repairing and equipping our present ships of war. I will go no further. I tell you, sir, naval victories in the end would prove fatal to the United States; the consequences which have uniformly followed in other countries must take place here. If the United States shall determine to augment their navy, so as to rival those of Europe, the public debt will become permanent; direct taxes will be perpetual; the paupers of the country will be increased; the nation will be bankrupt; and, I fear, the tragedy will end in a revolution.

Mr. McKee rose, with deference, to perform a duty which he owed to his constituents, by delivering his sentiments on the very important subject before the committee, though he confessed himself very inadequate to do justice to it. He deemed the question of great magnitude; as he feared, if we were to proceed to build up a large naval establishment, it would affect the destinies of this nation to the latest posterity.

The gentleman from South Carolina has said, that he has great prejudices to encounter. Mr. McKee would have thought that the deliberate opinion of a majority of Congress, expressed upon more than one occasion, was entitled to a more respectful term than *prejudices*. Those decisions proceeded from the honest convictions of some of the best friends of the country.

Mr. McK. denied this doctrine, that "it is demonstrably clear that this nation is inevitably

destined to be a naval power;" and he believed that, if the attempt were made to make it such, it would prove the destruction of our happy constitution. He would proceed to show on what ground he supported the opinion that the maintenance of a permanent naval establishment would prove ruinous to this country. For this purpose, he should be under the necessity of submitting some calculations to the House; for, though he had heard a course of this kind condemned, as fit only for the counting-house of the merchant, he considered it as the most conducive to correct legislation. It is certainly a matter of just calculation, when we are called upon to establish a permanent navy, to show that such an institution would cost more than any advantages to be derived from it would compensate.

[Here the Speaker went into detailed statements, taken from the authentic reports of the Navy Department, shewing the enormous expense of building our ships, and the enormous expense of repairs; the great expense of manning and equipping them, and the pay of officers idle at home while the ship was rotting which cost so much, and which, at the time it was built, it was morally certain would have nothing to do until it rotted.]

Mr. McK. had said, this nation was not destined, under the present constitution, to be a great naval power; and he maintained that the statements which he had exhibited—and which he believed, for the purposes of argument, would be found substantially correct, when tested by experience—went conclusively to show that the expenses of the naval establishment of ten frigates and twelve seventy-four gun ships, now proposed to be built, could not be supported without permanent internal taxes, and a constant increase of the public debt and annual expenditure. And if the system was gone into, to the extent contemplated by the gentleman from South Carolina, (Mr. CHEVES), of building forty frigates and twenty-five seventy-four gunships, which he admitted would be necessary to relieve the naval establishment from comparative inefficiency, the annual expenses of the Government with such a system (as already shown) would be more than \$25,000,000, which would rapidly increase the public burdens, and entail on this country that fatal system which has almost ruined the British Empire.

The gentleman from South Carolina (Mr. CHEVES) takes it for granted that our commerce can be effectually protected by a navy; and assuming this fact, he proceeds to show that every portion of the American people are equally interested in the building a navy, because all are more or less interested in protecting commerce.

But, the fact is, that navies have never been considered as adequate to the complete protection of commerce. Look, said he, at the situation of the Old World, in times, to them, more prosperous than the present! What is the fact?



JANUARY, 1812.]

Naval Establishment.

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Holland, with almost no navy, possessed an extensive and profitable commerce; and Spain, about the same period, with a large and powerful fleet, had no commerce.

But the situation of Europe is, in all respects, different from ours. The Governments of Europe are surrounded by rival powers, who are mostly engaged in war with each other, while we are happily far removed from them all, and have no neighbors to annoy us. Therefore, arguments drawn from the Old World are wholly inapplicable to this country, because their situation and form of Government are altogether unlike ours. And when we turn our eyes from foreign Governments to our own, we find that no people since *Adam* were ever more prosperous or more happy than the American people have been for the eight or ten years previous to the year 1808. Private fortunes have been accumulated with unequalled ease and rapidity; commerce has prospered beyond example; agriculture has flourished; and the revenue abundant, beyond the wants of the Government. And did this state of prosperity exist at a time when your commerce was protected by vessels of war? No; but at a time when your navy was out of use; and in proportion to the increase of your naval expenditure, in the same proportion has your commerce decreased. The protection of commerce is the only ostensible object for which navies are created, while power and conquest are the main objects. Show me, said Mr. McK., a nation possessed of a large navy, and I will show you a nation always at war. When has England been at peace with all the world, since she became a great naval power? Such instances in British history were so rare, and of such short duration, (if they existed at all,) that he could not answer the question; and he believed it would be difficult for the ingenuity of the gentleman from South Carolina (Mr. CHEVES) to answer it. It is true, that England, the greatest naval power in the world, is also the most commercial; and it was not to be doubted that her commerce received aid from her navy, though it owed its extent principally to the industry and consequent wealth of the nation. But England has other and far more important objects to effect by her navy than that of protecting commerce. Her insular situation renders it necessary for her protection, and she keeps it up for the purposes of war and dominion. England would destroy her navy to-morrow, if the protection of commerce was her only object; because it cannot be denied that the expense of keeping up her navy exceeds the profits of that commerce which it is said to protect. Navies, therefore, must be considered as instruments of power, rather than as the means of protecting commerce. They are the vile offspring of those nations where the power and grandeur of the Government is every thing, and the people are nothing but slaves!

Mr. McK. having stated that a navy was an instrument of power, rather than a means of

protecting commerce, in order to show that this opinion was not a mere vagary of his own imagination, but the deliberate opinion of some of the wisest men of this country, most solemnly pronounced, he would beg leave to read a document, which he hoped would have weight with some gentlemen of the committee. It is taken from the celebrated instructions of the Virginia Legislature, of 1801, to their Senators in Congress, and is said to have come from the pen of the present Chief Magistrate of the United States; and he believed he could venture to say, that no Legislature ever possessed more talents than were drawn together into the Virginia Assembly on that occasion. After having noticed other subjects, in speaking of the navy, they say:

"With respect to the Navy, it may be proper to remind you, that, whatever may be the proposed object of its establishment, or whatever may be the prospect of temporary advantages resulting therefrom, it is demonstrated by the experience of all nations who have ventured far into naval policy, that such prospect is ultimately delusive; and that a navy has ever, in practice, been known more as an instrument of power, a source of expense, and an occasion of collisions and wars with other nations, than as an instrument of defence, of economy, or of protection to commerce. Nor is there any nation, in the judgment of the General Assembly, to whose circumstances this remark is more applicable than to the United States."

These opinions may, now, however, be considered as old-fashioned; but being himself an old-fashioned man, he confessed he was more pleased with them than with the new political doctrines preached by the gentleman from South Carolina, (Mr. CHEVES) to the House and the nation. It might, however, possibly be the fact, that he (Mr. McK.) was wrong, and only indulged ancient prejudices, and the gentleman from South Carolina right; and if such were the case, he could only say, in his own defence, that, under the influence of those old doctrines, the American people had enjoyed a state of prosperity and happiness unparalleled in the history of man—a state of prosperity which he feared he would never see equalled. He looked back on those days of happy prosperity with the same feelings of mournful regret with which he looked back to the days of his youth, fearing that they, like the days of his youth, would never again return—especially if the Navy mania should prevail.

Establish a navy, said Mr. McK. and this country may bid farewell to peace; because you thereby organize a class of society who are interested in creating and keeping up wars and contention. Officers in the Navy and Army are mere cyphers in society in times of peace, and are only respectable in time of war, when wealth and fame may await their exertions. They are, therefore, interested in keeping up a state of war; and being invested with the management of an instrument of war, it is to be expected that it will be used in some degree to answer their own purposes? No man who will

reflect for a moment, but must be satisfied that the disgraceful and lawless conduct of the British naval officers on our coast originated in a desire on their part to bring on a war with this country, in which they looked forward to large dividends of prize money; and these acts were contrary to the wish and expectation of Great Britain; in one instance the act was disavowed; and it may be asked why were the officers not punished who acted contrary to the wishes of the Government? The answer is obvious; because the influence of the Navy in England is so predominant that the Government are afraid to touch the subject, and the consequence is, that the Government are compelled to bear the odium of acts which they disapprove; and the same cause which has produced this effect in England, if permitted to operate, will produce a similar effect in this country.

Our little Navy has already contributed much towards the irritation which exists between this country and England; and under any other President than Mr. Jefferson, it would have brought on a war in 1807. And what real benefit has resulted from it to the Government? Has a picaroon or a buccaneer ever been chastised by them? If they have, he had no recollection of the case; he had seen indeed paragraphs in the newspapers mentioning that the frigate President, or some one of the vessels, had sailed from the navy-yard to Norfolk, from thence to New York, and finally arrived safe at Boston; but for what purpose he was totally ignorant, unless, indeed, it was to sail back again, and furnish the materials for a new article for the newspapers; and for these eminent services, the American people have already paid about \$80,000,000.

TUESDAY, January 21.

*Naval Establishment.*

The House again resolved itself into a Committee of the Whole on the bill concerning the Naval Establishment.

Mr. JOHNSON said: I do not know, sir, why I should regret the discussion of any subject in this place, when I recollect that each member is under the same obligations of duty and responsibility. It has been said that no member would be thanked for his vote in favor of this bill—and, fearless of censure, I shall oppose this attempt to lay the foundation, and to pledge the property of the people for naval systems, as ruinous to the finances of the country, as it will be destructive to the peace of the nation. After every effort in my power, I could not suppress the sensation of sorrow, that Congress should be distracted with a subject that would justly excite alarm throughout the nation, even in the hours of profound tranquillity. I have looked to the Treasury reports, and I see a national debt of about fifty millions of dollars. I look to the aggressions of England, and I find we have been driven to the necessity of creating a great and expensive military force to avenge

our wrongs and to expel the enemy from her North American colonies. I look to the arguments of the advocates of this pernicious system, and they acknowledge that we are driven to the brink of a war that will require loans and taxes, and end in a new debt of at least fifty millions of dollars—and under these circumstances, when we are upon the heels of a second revolution, when the people are likely to be most pressed for the ways and means to carry on the war with vigor and certain success, the ruinous system of a great navy is pressed upon us. Upon the return of a second peace, when the British possessions shall be incorporated into the Union, and our army disbanded—when commerce shall be restored, and a surplus of revenue in the Treasury—after meeting the demands of the Government, with more propriety might the question be presented for consideration. I believe, sir, since the political reformation in 1801, the question of building a navy had never been before presented directly to the consideration of Congress. When Mr. Jefferson, that illustrious character, presided over the destinies of the United States, why was not this navy-building proposed? Then we had a revenue of fifteen millions of dollars annually, and a surplus in the Treasury. No, sir, such a system had been put down too recently—the struggles against a navy in '98-9 were not forgotten. I deny the capacity of the United States to maintain a navy without oppression to the great mass of the community in the persons of tax-gatherers; and if a great navy could be maintained, it would be more than useless—it would be dangerous to the peace and tranquillity of this nation. I was in favor of repairing and putting into service the whole of our naval force, consisting of one hundred and sixty-two gunboats and upwards of fifteen frigates and smaller war vessels; because this naval force, united with our fortifications, would give security to our coasts and harbors, protect our coasting trade, and would be important in the present crisis to co-operate with privateers and individual enterprise against the commerce and plunder of Great Britain. But this is not the object of the bill. It contemplates and embraces a navy to protect our commerce in distant seas as well as at home, and which cannot cost less than twenty or thirty millions to accomplish; and, when built, would entail upon the Government of the United States the annual expense of fifteen millions of dollars,\* equal to the amount of our whole revenue in the most prosperous years of commerce under the administration of Mr. Jefferson, and double the amount of our present financial income. It is the system, as well as the expense, that I object to; and while I am ready as any man to keep a small naval force, to be confined to the protection of our maritime

\* The annual expense of our navy already (1856) costs fifteen millions of dollars per annum; and yet all that we have got is only the beginning—the mere commencement, if naval power is intended.

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frontiers, as well as I am to keep up a small land force, to protect our territorial frontiers, I will not vote one cent for a system of naval force which is destined to keep foreign nations in check in distant seas, and destined to entail upon this happy Government perpetual taxes and a perpetually-increasing national debt. The people will not support such a Naval Establishment—they have the corrective in their hands; and build this fleet of twenty seventy-fours and forty frigates, and the people will in their turn put them down. But, sir, we are told that we are a commercial people, and that you cannot restrain a spirit of enterprise in our citizens which is limited only by the polar snows to the North and the icy mountains to the South. No person has attempted to damp that gallant spirit, that mercantile enterprise—such adventurous voyages have been fostered and cherished by every means in the power of the Government. But, sir, has this unparalleled enterprise, this gallant spirit, been carried on by a navy? Such a thing has never been thought of, which proves that this question of a navy has no connection with this commercial enterprise; and the existence of one without the other, is positive proof of the fact. But it is also said, that agriculture and commerce are twin sisters, and the learned gentleman from New York (Mr. MITCHELL) will not allow a more distant connection. I have no objection to such a union, and I did expect that it would have been demonstrated what was the real relationship between these twin sisters and a permanent navy; whether it is that of consin-german, brother or husband. As these subjects have not been identified, I must be permitted to say that there is no connection—unless under the disguise of protection, the navy would be the destroyer both of commerce and agriculture—by taxes upon the one and constant war upon the theatre of the other. The advocates of a navy need not expect to cover the deformity and danger of the system by telling the people they are friends to the protection of commerce—and that those who oppose it are ready to relinquish our rights upon the ocean. No, sir, this will not do. They will ask if our commerce, as great as it has been, was ever protected by a navy. They will look at the expenditures of the public money—they will see twenty-nine millions of dollars expended upon our present Naval Establishment; and though they may not complain of that prodigal waste of public money upon so small a naval force, they will look to the effects produced by this power, and they will refuse to augment it, until, indeed, the Peace Establishment shall require augmentation. The people will look to the votes of this House, and they will see the opposers of a navy willing at this moment to avenge the depredation upon our commerce and neutral rights by actual hostility. I am not prepared to give up our rights, whether upon the ocean or upon land, whether commercial or personal; but I may differ in the means of avenging these wrongs, and vindicating those rights,

and I shall ever differ from those who wish a navy to ride triumphant in distant seas, and, under a pretext of protection to commerce, doom the nation to galling burdens too intolerable to be borne. But we are told, sir, that this question partakes of the character of a self-evident proposition. Indeed, sir, and in what respect is it entitled to this definition of self-evident? Unless, indeed, from every consideration of history, experience and reason, it is evident that a navy is an engine of power and ambition, calculated to embroil a nation in quarrels and wars, and to fix permanent wretchedness upon the industrious class of the people. When we look to the delegation from each State, we find a difference in sentiment upon this subject, whether lying on the seaboard or distant from it.

The chairman of the Naval Committee has attempted to make us believe that a navy is the anchor of our hopes, and I dare venture to say, his eloquent colleague (Mr. WILLIAMS) will in due time denounce it as the most abominable system—always employed in the fell purposes of outrage, plunder, war, and death. The same division of sentiment exists in Massachusetts as to this destructive and expensive establishment. And, sir, let me not omit to mention, the sentiments of the Republicans of '98-'9 were not only entitled to the love and confidence of the people, but worthy of our imitation. Nor will I omit the resolutions of the Virginia Legislature in opposition to a navy, when they remonstrated against measures which they considered ruinous to the freedom of the United States—nor is my respect for those opinions lessened, although many Republicans in Congress at this time, and men of talents, have become great advocates for a navy, and I will put it to the people whose opinions are entitled to their approbation, whether a navy beyond the peace establishment is ruinous, or the rock of our safety.

Leaving the division of sentiment in our country, let us advert to ancient and modern history, and search for examples upon this important subject. And here, sir, I will take this position, and defy history for an example, that no great naval power ever confined their naval strength to the legitimate object of protecting commerce in distant seas. I will refer to Tyre and Sidon, Crete and Rhodes, to Athens and to Carthage. No sooner had these nations ceased to confine their naval strength to their maritime defence at home, to the protection of their seacoast, than they were engaged in plunder, piracy, depredations upon other nations, or involved in wars, which certainly accelerated, if it did not produce, the downfall and destruction of those governments. Peace and tranquillity is not the natural state of a great naval power. A disregard of public law, sacred treaties, and bloodshed, would suit it better; and it has been and ever will be, the consequences of such force. These nations furnish another example and instructive lesson to the present generation—that while their commerce and navy furnished a

small part of the people with the luxuries of every country at that time known, the great mass of citizens at home were miserable and oppressed. Their rights neglected, their burdens increased, and their happiness destroyed, while their fleets and external grandeur carried astonishment and terror to distant nations. When a nation puts forth her strength upon the ocean, the interior of the country will be neglected and oppressed with contributions. Ancient history does not furnish a solitary instance of any permanent good, or long continuance of peace arising from a great naval supremacy; such overgrown power, such unnatural strength, must feed upon plunder, at home and abroad. When we come to modern nations we have proof before us of the positions I have taken. We have been told of Holland, as a people existing in a most flourishing state of prosperous commerce without a navy to protect it, and we have been told of Spain as a naval power without commerce to protect. But leaving these examples, let us look at France and Great Britain; we here have examples before our eyes; we need no history; the facts are before us.

Admit that Great Britain, with her thousand vessels, could protect her lawful commerce, let me ask, if her navy has ever been confined to that object; whether it is confined to that object at this time; whether her navy has not fattened upon the spoils of Europe, Asia, Africa, and America, and the commerce of neutral nations, making war equally upon friends and enemies. Her navy, triumphant in every sea, is employed in a system of plunder against the world, and, notwithstanding this supremacy, we see her citizens groaning under a national debt of eight hundred millions of pounds sterling, more than all the nations of the universe could pay. We see her upon the precipice of bankruptcy—we see her people, her numerous subjects, loaded with taxes, that would astonish any man who did not know the fact—notwithstanding this, the public debt is daily increasing, and it is now acknowledged by all the world that she is fighting for her existence—victorious at sea and safe at home from invasion, and still her very existence is at stake. Sir, I never wish to see the liberties of my country afloat upon the ocean and staked upon the strength of a navy. Look at France, separated from her enemy by a narrow channel, without vessels to meet the fleets of England on the water, and still she is unable to burn the seaport towns of France or invade the French territories, or in any way to make an impression upon her. Populous and powerful upon land, nothing but the imperial despotism that exists throughout that vast empire, prevents the country from being the most enviable residence upon the globe, except our own favored land. Let not the Congress of the United States therefore stake their existence upon navies, let us not withdraw the protecting hand of Government from the soil; let us not increase the burdens of the people, and weigh them down with a public debt to support exter-

nal grandeur. Do not by this system destroy the affections and attachments of the solid and honest part of the community, who support the government of the country.

Sir, the report of the Naval Committee has assumed principles as erroneous as they are novel—that the protection of maritime commerce was, above all other objects, the first and the greatest consideration which laid the foundation for the present constitution. There is nothing to warrant such a position; and no reason does exist why our commercial rights should have been better secured than the other various rights and interests embraced by that charter of our independence. In the specific grants of powers, Congress has the authority to regulate commerce with foreign nations, with the several States, and with the Indian tribes; not giving preference in language to foreign over State and domestic commerce. I will admit, sir, that our commercial rights formed one of the primary considerations—not more primary than the rights of agriculture and manufactures, nor the rights of property, the rights of persons, protection from foreign invasion and aggression, or from internal foes. These rights were equally important, and not less the considerations which strengthened the bonds of the Union. And if any consideration had a preference, it arose from considerations of peace and war.

When I look into the preamble of the constitution, which to be sure is no specific grant of power, but is an interpretation of the objects of that great charter of our Union, I find it was to establish justice, insure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty, that the constitution was adopted; and although maritime commerce has only a co-equal right with all others, still, the greatest means and resources of the Government have been directed to its protection. And still it would seem, if we do not ruin the nation by the establishment of a navy, we wish to make encroachments upon commerce, to damp the commercial spirit. And this we are told in the face of facts which appear upon record, and in the face of every expensive war measure now taken and adopted. Sir, in a colonial state, it was a duty upon tea that was the immediate cause of a war, which was bloody indeed, and continued upwards of seven years; a conflict which has no parallel in history as to its beginning and termination. And at this moment, violations of our neutral rights upon the ocean is a primary cause why we are about to wage a second war with Great Britain; and still we are gravely told that we are unwilling to protect commerce, and that we are ready to abandon it, because we will not vote away the substance of the people upon a system of policy which must ruin the nation if not crushed in its infancy. The constitution says, Congress shall have the power to provide and maintain a navy. And this has been read. So has it authorized Congress to raise and support armies,

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to lay and collect taxes, and declare war; but the constitution does not fix the limit of these powers, and all are liable to abuse. And the convention did not suppose that any Congress would so far abuse these powers as to keep either a standing army in time of peace, which must endanger the liberties of the people, or a permanent navy, that would involve us in continual wars with other nations, and permanent taxes upon the people. A reasonable peace establishment to protect our maritime and territorial frontier, consistent with strict economy, must have been contemplated; and this force, naval and military, we have maintained; and we are as secure as a nation can expect to be from savages or a maritime foe. There would be as much reason why we should keep in pay five hundred thousand regular troops in time of peace, as your twenty vessels of seventy-four guns and your forty frigates, in addition to our present naval force. In every point of view, therefore, a permanent navy is as injurious to the country as a standing army. One will endanger your liberties by conquest, and the other by wars with foreign nations.

But I am asked, how will you contend with a maritime nation, without a navy? Sir, that question is as easily answered as the first. I will ask, how we succeeded in the Revolutionary war? We were without any security upon our seacoast, and still we succeeded. But to be more specific—I would grant letters of marque and reprisal, and authorize privateering. Give scope to individual enterprise, to destroy the commerce of the enemy—which can be done effectually. I would fortify our seaport towns; station our gunboats and frigates along our coast, to protect us at home. And in this way I would in war avenge the infractions of our neutral rights.

MR. LOWMEYER.—Mr. Speaker, in one opinion expressed by the honorable gentleman last up, (Mr. JOHNSON,) I can concur. The constitution was not formed for the exclusive protection of commerce, but for the defence of all the interests of the United States. These are to be protected by the whole force of the nation. If he had adhered throughout his speech to this opinion, the question would have been narrowed to the inquiry, by what means shall commerce be protected? He has asserted the adequacy to this purpose of the naval force which we now possess. This is, indeed, a different view of the subject from that which was taken by his honorable colleague. We were told but yesterday, that the undivided exertions of the United States could not give them a navy large enough to be useful. To-day the five frigates which we have in commission are thought sufficient if properly employed, to redress all our injuries. The death of *Pierre* might have been revenged, and the disgrace of the *Chesapeake* obliterated, if these five frigates had been sent a cruising. We did not want force, but spirit to employ it. Can it be necessary gravely to answer these assertions? May I not trust their

confutation to that general knowledge of the subject which every member of the House possesses? Must we inquire what number of British vessels have been lately stationed near our coast, or what greater number it is in the power of England to station there?

But, although the honorable gentleman from Kentucky is determined to defend commerce by some method which he will not fully disclose, his arguments like those of my honorable friend from Pennsylvania, appeared designed to show that commerce was not worth defending. After the full discussion of this subject, produced by the report of the Committee of Foreign Relations, and the debates at every stage of the bill for raising an additional army, the House might have supposed that this question was at last dismissed. I hope, however, to be excused for remarking that both these gentlemen have considered the profits of commerce as confined to the merchant. They have forgotten that commerce implies a change of commodities, in which the merchant is only an intermediate agent. He derives, indeed, a profit from the transaction—but so must the seller and the buyer, the grower and the consumer, or they would not engage in it. So must all those who are supported by their own industry in commercial cities—the clerk, the artisan, the common laborer. But my honorable friend from Pennsylvania says that Mr. Pitt estimated the profits of commerce in England at only twelve millions for a year, in which the naval expense was fourteen or sixteen millions. I suppose this estimate to have been made in relation to the income tax, and it obviously must have referred only to the profits of merchants. The profits of merchants may be computed, but no sober financier would attempt to compute the entire profits of commerce. If it be desirable to form, not, indeed, an estimate, but some conception of its importance, let my honorable friend compute the value of New York, where a few square feet of land are an estate, and then compare it with the value of the same extent of ground for the purposes of the plough. But, is it in this nation, and at this time, that it can be supposed that the profits of commerce are confined to the merchant? Your trade was, a few years ago, unrestrained and flourishing—did it not enrich the most distant parts of your country? It has since been plundered and confined. Does not the industry of the country languish? Is not the income of every man impaired? If commerce were destroyed, the mercantile class, indeed, could exist no longer; but the merchant, the rich capitalist, at least, would individually suffer less than any other part of the community, because, while their property would become unproductive, the value of money would rise rather than fall.

The value of commerce, then, has been strangely misunderstood by these gentlemen, who suppose that they have calculated it so very accurately. But whatever may be its

value, you have already determined to defend it. Considerations of expense are not, indeed, to be neglected. We must employ, in the prosecution of the war, the cheapest and most efficacious instruments of hostility which we can obtain. But the arguments of the honorable gentlemen on the other side, are almost all of them directed against the war rather than the navy. It would be absurd, say they, to protect commerce by a navy, which should cost more than that commerce is worth. It must yet be more absurd, then, to protect it by an army which costs much more than the navy. In the comparison of the expenses and of the efficiency of an army and navy, instituted by my colleague, there is nothing invidious. The army is acknowledged to be necessary. It has had our votes. But, from the acknowledged propriety of raising the army, was fairly inferred the propriety of employing a navy, if it should be proved to be less expensive in proportion to its probable efficacy. War, and all its operations and all its instruments, must be expensive. It is difficult to determine upon the expediency of employing any of these instruments, except by comparing it with some other. To compute the result of this comparison, the honorable gentlemen on the other side must show, not that it is more expensive to maintain a navy than to be without one—not that it is more expensive to go to war than to remain at peace, (these propositions they, perhaps, have proved,) but that the objects proposed to be attained by the navy may be better or more cheaply attained in some other way. My honorable friend from Pennsylvania, then, in determining not to follow my colleague in the investigation of the comparative expense of different kinds of force, must have determined to avoid the best, and, indeed, the only method of examination from which a just conclusion could be deduced.

The honorable gentleman from Kentucky, however, who spoke yesterday, offered objections to a navy, which, if they were well founded, would supersede all further reasoning and calculation. He opposes a navy now—he will oppose it for ever. It would produce no possible good and all possible evil. It would infallibly destroy the constitution. Will the honorable gentleman tell us why? how? He sees the danger clearly? Will he explain it? An ambitious General might corrupt his army, and seize the Capitol—but will an Admiral reduce us to subjection by bringing his ships up the Potomac? The strongest recommendation of a navy in free Governments has hitherto been supposed to be that it was capable of defending but not of enslaving its country. The honorable gentleman has discovered that this is a vulgar error. A navy is really much more dangerous than an army to public liberty. He voted for the army and expressed no fears for the constitution. But a navy would infallibly terminate in aristocracy and monarchy. All this may be very true. But are we unreasonable in expecting, before we give up the old

opinion, to hear some argument in favor of the new one? The honorable gentleman has asserted his propositions very distinctly. We complain only that he has not proved them.

Yet there is a view in which this question of a navy is, indeed, closely connected with the constitution. That constitution was formed by the union of independent States, that the strength of the whole might be employed for the protection of every part. The States were not ignorant of the value of those rights which they surrendered to the General Government, but they expected a compensation for their relinquishment in the increased power which would be employed for their defence. Suppose this expectation disappointed—suppose the harbor of New York blockaded by two seventy-fours? The commerce of that city, which exists only by commerce, destroyed? The protection of the General Government claimed? Your whole navy could not drive these English seventy-fours from their station. Would the brave and enterprising people of New York consent to see their capital emptied of its inhabitants, and their whole country beggared by so contemptible a force? Their own exertions would raise a fleet which would drive off the enemy and restore their city to its owners. But, when a single State shall find herself able to raise a greater fleet than the General Government can or will employ for her defence, can it be expected that she shall consider that Government as essential to her safety—as entitled to her obedience? I repeat that the Federal Constitution was instituted by the States, that the strength of the whole might be combined for the protection of any part which should be attacked. But what is the nature of the defence which one of our large States may be supposed interested to obtain from the General Government? Is it a land force? We can scarcely expect an attack on land, to repel which the militia of New York or Massachusetts would be unequal. Were either of these States attacked, the General Government would protect her by ordering out her own militia. To render the Union permanent, you must render it the interest of all the States, the large as well as the small, to maintain it; you must show them that it will provide, not an army which they can have without it, but what without it they cannot have—an adequate navy.

The honorable gentleman who anticipates the destruction of the constitution, unless we shall neglect one of the great interests which it was intended to protect, considers the English Orders in Council as leaving our institutions firm and untouched. Regulations, the effect of which is to give to a foreign power the complete disposition of the property of a large class of our people, are it seems in their political result innocent. Although every citizen who has property on the ocean become dependent on the English Ministry, become their subject, our liberty and independence are (we are told) unimpaired. But let a navy be raised—let the

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Government which expects obedience provide protection, and the constitution perishes!

But we have been referred particularly by my honorable friend from Pennsylvania to the experience of the world, as having already decided the question which we are now discussing. It seems that Venice and Genoa, and every other naval power which can be named, have all furnished abundant proof of the ruinous effects which such a force is calculated to produce. Sir, the assertion is new. I do not pretend to an intimate acquaintance with the histories of those nations, but I have hitherto believed that the first great shock which the power of Venice received, was given by the League of Cambray—a league formed to repress her ambition, not of maritime, but of territorial aggrandizement. But, whilst Venice has lost her independence, after maintaining it for five or six centuries, may I ask my honorable friend whether the States of Italy, which were never oppressed by fleets, had enjoyed a longer term of prosperity and freedom? As to Genoa—her naval power, her independence and glory, rose and sunk with the same man—Doria. But Holland, says the gentleman from Kentucky, affords an example of a nation, whose commerce flourished greatly before it had a navy, and decayed while her navy continued powerful. If there ever were a people, whose naval power has been employed to protect and almost to create their commerce, it is the Dutch. They fought their way at the same time to trade in the East Indies and America, and to national independence in Europe. The decay of their trade is to be attributed to the development of the resources of other nations; to the navigation act of England; and the similar measures adopted by other powers. As to France—the period of her greatest financial prosperity probably coincided with that of her greatest naval power; both were due to the administration of Colbert. But the evils of a navy (gentlemen tell us) have been concentrated in the case of England. With all her fleets she is destined soon to lose her independence. The expense of those fleets has crushed the industry of her subjects, and must soon reduce her to national bankruptcy. Let us suppose that these gentlemen, who have been so much mistaken in regard to the past, may be more accurate in their narrative of the future. Still England will have owed to her fleets her redemption from invasion for ages past. While every other considerable nation of Europe has been bankrupt over and over again, she is not yet bankrupt. While nearly every other Government of Europe has been overthrown, hers yet rides out the storm. Should England fall tomorrow, it should seem impossible to deny that her navy will have prolonged her independence for at least two centuries.

My honorable colleague has calculated the expense of building and maintaining a navy of 12 ships-of-the-line and 20 frigates, and has explained the principles on which his calculations

have been founded. The estimate of the gentleman from Pennsylvania can hardly be considered, after the error which has been remarked, as impugning those calculations. I have not myself attempted to estimate the probable expense of maintaining 12 ships-of-the-line and 20 frigates with any precision, but I cannot doubt the fairness of the rule which deduces it from the expense of such a force to England. This is the rule which I understood my colleague to have employed. It has not been disputed in debate; it has been in conversation. Many gentlemen have objected to an estimate of the expenses of a navy during war, in which (as they suppose) no allowance is made for the peculiar expenses which war involves. To have all our ships safe at the end of the contest is observed to be rather a sanguine expectation. But if the rate of expense in the estimate of my colleague were deduced from the rate of English expense during war, these objections must be altogether groundless. Now, it was deduced from the expense which is found sufficient to maintain the English Navy in a state of unimpaired strength during war. The English expense, from which it was inferred, included the charge of docks and navy-yards, of the repair of old ships and of the building of new ones. It included pensions to their officers, and even the support of the prisoners taken from their enemies. I have on my table a detailed account of the English naval expenditure for a year of the last war. The whole amount was about twelve millions and a half, and of this sum fully four millions and a half were applied to what may be considered the contingent expenses of the navy. Now, is there any reason to suppose that the contingent expenses of our navy would be greater in proportion to its force than this? And if not greater, has not an allowance been made for the capture of some of our ships, or, in other words, for the building of new ones? It is true, that from the superiority of English sailors to their present enemies, England loses little by capture, and, it may be supposed, that from the greater frequency and severity of our conflicts when we shall be engaged in war against her, our contingent expenses may be greater in proportion to the number of our ships than hers. But there are many expenses to which she is necessarily subject, from which we shall be exempt. I will instance that resulting from blockading squadrons, and that from repairs in colonial and foreign ports. These can appear inconsiderable to no man who has given his attention in any degree to the subject. Naval men I believe would not contradict me, if I were to state the expense of a ship employed in a strict blockade, and particularly during the winter months, as fully double that of a ship engaged in ordinary service. In fact, England finds the expense too great for her finances, and has been obliged, in some measure, to give up the practice. The other article of expenditure to which I have

referred, I shall not attempt to estimate with any precision. It must, however, be obvious to every man, that the ships of war of England must frequently be repaired and refitted in distant countries. In these the most scrupulous fidelity and economy on the part of her officers cannot prevent the expense from being frequently extravagant. The most salutary regulations and most provident instructions on the part of the Administration at home cannot prevent her officers from being sometimes careless and fraudulent. I recollect an instance of the enormous expense involved in the distant services required from the British Navy, which I cannot pretend to state with accuracy, but in which I hope not to be substantially wrong. Sir Home Popham (a distinguished officer in the English Navy) had under his command in the last war two or three frigates in the East Indies. They had left England in good condition, and their repairs for two or three years, and the supply of the different articles of equipment which they occasionally required, exceeded, I believe, the prime cost of the vessels themselves. These two items of expenditure, blockading squadrons, and repairs in distant countries, (to neither of which an American Navy would be liable,) will be acknowledged, I think, to justify the conclusion, that the contingent expenses of the English Navy must be as great in proportion to its force as ours would be in war—and therefore that the rule employed in the calculations of my colleague was correct.

But our resources for the equipment of a navy appear to the honorable gentlemen on the other side, as deficient in respect to men and money. Sailors in this country cannot be obtained in sufficient numbers without impressment. It is not necessary, sir, to inquire whether for the defence of their peculiar rights the services of a marine militia may not be required. There is no reason to doubt our being able to procure the voluntary services of our seamen. If we shall at any time be engaged in a war (like that with France in 1798) which shall leave the greater part of our trade unaffected, the wages of sailors will, indeed, be high, but the number required will be small and the Government can afford high wages. In a war of a different character—against a nation powerful at sea—your sailors will be thrown out of employment and their wages will be necessarily low. But gentlemen object to this reasoning on the supposition that in such a case our sailors would all engage in privateers. The notion that in any war there will be a demand in this country for more than thirty thousand sailors for privateers is surely an extravagant one. But it has been shown by my colleague that in a war which should diminish our trade by one-half, (and a war requiring any great naval exertion would necessarily do this,) thirty or forty thousand seamen may be employed in privateers, and a sufficient number would remain for your public ships. But are

not your privateers as much a part of the naval force of the nation as your ships of war? It has been said, indeed, that they are the more useful part. Now, if the Government should believe (what neither sober reflection nor the experience of other nations can permit it to doubt) that this part of your force cannot be in any great degree serviceable unless supported by a fleet—then surely a limitation to its extent, which would be necessary even to the interest of its owners, cannot fairly be objected to. The law just passed for raising twenty-five thousand men, provides, I think, for only one regiment of cavalry. Now, it is very possible that a much larger proportion of the twenty-five thousand men that can be accommodated in this regiment, may choose to go to Canada on horseback. They must be disappointed, and either not go into the army at all, or go into the service which they least desire. No man has hitherto denounced the act as on this account tyrannical and oppressive. Yet this case seems to me a true parallel to the other. In the naval, as in the military service, the interest of the country requires the employment of different sorts of force; and the object may be attained with equal fairness in both services by limiting the amount of the favorite force.

Mr. LAW said: Being in favor of the bill now under consideration, I beg leave to express my sentiments, and state the reasons in support of my opinion; and the only pledge I shall offer to the House, for their attention, is, that I shall not occupy much of their time.

This bill, sir, embraces two objects—one relates to the repairs and equipment of the ships of the United States now out of service—the other contemplates the building of ten additional frigates, and laying the foundation of a new Naval Establishment. The view which I entertain of this subject, does not arise from its connection with that system which grows out of what is called the present crisis, or putting the nation in armor for war, as reported by the Committee of Foreign Relations; but from a conviction, that, as an abstract question or matter of general policy, I deem it for the interest and security of the United States, to begin the establishment of a Navy, to be perpetuated and extended hereafter—and, because I believe it may be accomplished, to the extent at present proposed, from the ordinary means we ought to possess, without adding any new burdens on the citizens. In order to decide whether it is for the interest of the United States we must examine and see how it is connected with the great and essential interest of the country. The basis of our national wealth is agriculture; the real substance of the nation is drawn from the earth. This arises from the great and extensive territory which we possess, thinly settled, low in price, of an excellent soil, capable, from its fertility and variety of climes, of affording produce of every kind, in the greatest abundance. The surplus of all is wanted in other countries, where nature has been less



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bountiful; and it must be a great while before the labor of our citizens can be diverted extensively into other channels—I mean manufactures. This is a condition in which we ought to rejoice for the causes, which bind us in this necessity, are those which tend to preserve the morals, the happiness, and the independence of the nation. And until our lands are taken up, and population becomes redundant, the basis of our national wealth must be the farming interest. But, sir, in a country so blessed by nature; where the inhabitants have the greatest stimulus to industry, the fruits of their labor secured by just and equal laws; where the property cannot be taken from the owner without his consent, there will be a vast surplus, beyond what the consumption of the country requires. Hence, commerce springs up as the daughter and handmaid of agriculture. Without commerce, agriculture would languish. With it, wealth is consolidated, and industry promoted. It diffuses its benign influence, discoverable in the splendid and delightful improvements, which rejoice the eye of the traveller, throughout the country. And it is as unnatural for the farming interest to oppress the commercial, as it is for the parent to abandon its offspring. They mutually cherish and support each other; and, by natural sympathy, must be affected by the checks and disorders which each may receive. But commerce must be protected. It cannot protect itself against force. Being carried on abroad on the ocean, (for I am speaking of foreign commerce,) it is subject to annoyance, interruption, and hazard. We must pass the common highway of nations to get to a market; and in this route, the weak and defenceless must, and always will be the sport and prey of the strong and violent, whom they meet in the way. From the wretched state of those nations with whom we have intercourse, we, from weakness, must fall victims to their violence. This is an evil which we shall always experience as a neutral, coming in collision with belligerents. Shall we then abandon commerce, or shall we strive to support it? It will be for the interest of the country to support it, if possible; for if we abandon it, the evil will recoil on the agricultural part, who, no longer than foreign commerce is supported, can find a vent for their surplus; and without a vent for the surplus, a bare competency might be endangered. Internal commerce would always fail, for that, being but a stream from foreign commerce, must dry when the fountain from whence it issues fails. Enterprise ceases, and languor and poverty ensue. It is then for the interest of the nation to cherish commerce. But how can this be done? Will a navy have this effect? I think it will. Indeed, if the little navy which was commenced some years ago, had been supported and increased as it might have been without any difficulty, we might, and in all probability should, have avoided our present calamities. We are now the defenceless prey of both France

and England; deprived of the common rights of nations and citizens of the world. Will it then be asked, shall we not go to war and fight our way? I have already recorded my negative on the several questions preparatory to that step, and I am decidedly against going to war. We have not the means necessary, and unsuccessful resistance will only make our condition worse. I verily believe, if this nation had fostered our infant navy, from the time it was commenced, and had not, by a strange infatuation, abandoned and neglected it, it would now have been too important to be despised, by either France or England. Our prosperity would have continued. Our strength would have been dreaded, and our friendship courted by both nations. While they have been contending for the mastery, we, with such naval force as we ought to have had, and a strict course of neutrality, might have pursued a lawful and gainful trade. We might have had a perpetual revenue of sixteen millions, instead of the pittance now received at the Treasury. I believe, that with the navy we might have had, and a correct strict neutral course, there would have been neither Berlin and Milan Decrees, nor Orders in Council, to annoy our lawful commerce.

Mr. ROBERTS observed, that there appeared to be a disposition in the committee to take the question on the filling the blank in the first section without further debate. As he could not vote for appropriating \$480,000 for the repair of the vessels of war unfit for service, it would perhaps be the most proper time to submit his opinions. I have not, Mr. Chairman, said he been a listless hearer of the very ingenious arguments advanced by gentlemen in favor of the report. He had, however, been so unfortunate as to be more confirmed in his inclination to vote against the bill, from attentively weighing these arguments. The select committee in their report (for they had reported specially as well as by bill) have said, with oracular confidence, that this country is inevitably destined to become a naval power. He had not, with them, become a fatalist. Though he was disposed to claim a high destiny for his country, he did not believe that destiny was yet immutably fixed. He, however, believed the question now to be decided must have an influence on that destiny, that might at an early day, if decided affirmatively, obliterate our happy civil institutions; if negatively, preserve them long the best blessings of posterity. Gentlemen who have advocated a naval establishment, have chosen to consider this bill and report as the furtherance of a system already in existence, and that, however short of their wishes the committee may be disposed to go, they stand prepared to view whatever might be done to augment the naval force as an evidence of assent to their system. Mr. R. said at one time he had inclined to vote for the appropriation of a sum to equip such of the vessels now out of service as might be found worthy of refitment. But on discovering it would be considered as an acknowledgment that a

navy was proper in the sense it had been brought into view by the committee, and doubting, on better consideration, whether there was not great likelihood the money would be worse applied in repairing old, than in building new vessels, and feeling a conviction that if these vessels should be deemed worthy of repair, they could not be brought into action in that exigence of war when they could be useful, as in that case land defence must be resorted to, and the consequent expense incurred, he should feel it his duty to vote against this appropriation.

It has been observed that the constitution has invested Congress with power to regulate commerce, to provide and maintain a navy, &c. There is nothing, said Mr. R., imperative in this. It was necessary in a general grant of powers to insert many items to be left to the sound discretion of Congress, to use or not to use. Soon after the Government came into operation, it became a favorite object with one set of politicians to form a navy. On the occasion of our commerce being depredated upon by the Barbary corsairs, the question first came up. It became a matter of deliberation whether a peace should be purchased of them with money and presents; whether some European power should be subsidized to keep a few frigates on that station, or whether a naval force should be equipped for the purpose (as alleged) of enabling the President to negotiate to better effect. The party with whom I have always found it my duty to act, said Mr. R., opposed, on that occasion, the commencement of a navy system, when it was invited under circumstances so specious. They were, however, in the minority. The ships of war were voted—with what effect on the Algerines, he did not stop to inquire. If this opposition to the commencement of a Naval Establishment was wrong in the minority, their successors ought not to follow them; but if it should be found that they were right, the ground ought never to be quitted. The question of increasing the navy was again discussed in the celebrated times of '98-9. The collisions with France had raised the war fever very high. A navy was vociferously contended for as the most efficient means of defence. It was when things were in this state, that the President, in his reply to the Marine Society of Boston, who had with much fervor tendered him their approbation of his measures, hoped to see the wooden walls of America considered as her best defence. Because Athens, when she was invaded by the hosts of Xerxes, had chosen to interpret the oracle that promised her safety in wooden walls, rationally, America must take the same course, however dissimilarly situated. The people of Attica, inhabiting a circumscribed territory, found safety in their fleet, and they could have found it nowhere else. But such cannot be the case with America. Even the hosts of Xerxes could not make it necessary for the American people to quit their territory—the figure would not hold. On this occasion, too, the Republican party consistently opposed

a navy; strange blindness and obstinacy, if they were not sustained by reason as well as principle. On this occasion, the supporters of a navy system were a majority in council. For a moment they succeeded with their measures. But the public councils were soon filled by the people with men of other minds, and the question was put to rest.

Gentlemen have considered this subject on its general principles and remote consequences. In this point of view, said Mr. R., it presents a wide field for reflection. The Chairman (Mr. CHEVRE) has complained he has had to meet this subject encumbered with much error and many prejudices; among which is the idea that a naval system is prejudicial to civil liberty. The opposers of a navy, with an air of no small triumph, are called upon to show how a system of maritime power would endanger the freedom of our country. It has been said, a military chieftain, by an easy transition, may become a civil ruler, and that the commander of an army has often become a despot, while no such event could happen from a naval commander, as such an office gave no power on *terra firma*. If we look a little deeper into the subject, we shall find we have as much to fear, and even more, from a naval than a military power. The latter can only be kept in time of war, and for comparatively but short periods; at a time too, when the public spirit is awakened and ready to oppose encroachment. The chair of rule may possibly be gained by a military chief; but an attempt on the public liberty has a much greater chance to fail. Evils of this sort can only take place on very rare contingency; but the ruin of the public liberty can hardly fail to be a consequence of the establishment of a naval power. History proves to us that maritime power has always excited national ambition to a spirit of conquest and plunder. A naval power will seek colonies and ports in distant places. The chance, nay, the certainty, of collisions with other nations, is multiplied, and a corruption of morals is produced, that cannot fail to make the first Government on earth a tyranny, by a course of events that the patriot can neither prevent nor divert to other consequences. A short time after Athens had found safety in her wooden walls, one of her statesmen proposed she should burn the fleets of her neighbors, that she might thereby be rendered mistress of Greece. This project the virtue of the people resisted; but that virtue soon gave way in the expedition to the Cyclades, where her navy committed acts of violence that must indelibly fix the stain of the blackest perfidy and cruelty on the Athenian character. What could be a more unprovoked act of aggression than her crusade against Syracuse, a crime that visited her with a declension of power from which she never recovered? For a nation to believe her destinies fixed, is in a great measure to fix them. Nothing, perhaps, contributed more to make Rome the mistress of the world, than the oracles that promised it. Her heroes and statesmen

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were stimulated thereby to fulfil her destiny. The maritime supremacy of Britain is, perhaps, owing as much to the belief that she is the destined Queen of the waters, as to any other cause. Though such operations be calculated to bring about astonishing effects, how unfortunate is it when a nation's eyes are thus directed to improper attainments—it becomes a source of incalculable evil. Athens and Rome were the victims of such a policy, as Britain is at this time. I fervently hope, said Mr. R., for a better destiny for our beloved country. Rome and Carthage were both great maritime powers; it was not in Lybia and Italy they began to contend for superiority, but in Sicily and Iberia. The conflicts thence arising brought terror to the gates of Rome, and laid Carthage in ashes. The abuse of maritime power in both those States changed the free features of the government, and left a dreary despotism in their stead. A naval victory secured to the second Cæsar the rule of the mistress of the world. In later times, we have been told, said Mr. R., the declension of maritime States has been due to other causes than their Naval Establishments. In some instances it may have been so. When the strength and power of a State has arisen entirely from the profits of commerce, when that commerce has taken another course, the transitory splendor it has built up has vanished. Venice was an example of this. The commerce of the East caused her to rise out of the circumscribed and marshy Islands at the bottom of the Adriatic, the proud Mistress of the Waves. When the Cape of Good Hope had been doubled by the Portuguese, her commercial advantages failed. She sunk from the conqueror of the Eastern Empire, to a mere city of Italy and Portugal; a narrow territory, by the same commerce, assumed the first rank among the nations of the world. A naval power may serve sometimes to extend commerce to wider limits; but it can by no means control it with certainty to channels through which nature, and often the policy of other nations, bid it to flow. What is the state of British commerce at this time? The rupture of the peace of Amiens did not arise from Britain having received injuries from France after the cessation of hostilities. The new war was a commercial one. The British Cabinet saw, in a state of peace, France would not be unmindful of her commercial interests. The intelligence, the enterprise, and population, and the resources of France, all indicated that she would at least divide successfully the profits of commerce with her rival. The naval power of Britain giving her the command of the sea, she could oppose only with effect the growing commerce of her neighbor in a state of war. This step of British policy imposed on the ruler of France the necessity of changing the channels of commerce. In this way he has aimed a blow at the vitals of her strength, which her tremendous naval power neither enables her to avert nor lessen its force. Her marine puts the trident into her hands, but

she can no longer shake the earth. Her monopolizing spirit has sealed the Continent of Europe against her, and interdicted her commerce with America. She has reduced the ocean almost to a desert; and she seems hastening to that destiny which has generally attended her predecessors in naval power through her ambition to rule the waves.

Gentlemen propose to protect commerce on this side the Gulf Stream, yet admit if our vessels are despoiled on the Indian Ocean, we must apply retaliation in the West Indies. The Gulf Stream limitation is at once given up; a new expedition to the Cyclades is in that case to take place. Begin your conquest in the West Indies, and you must increase your navy to acquire and defend them. It is at once an admission that naval power must be used more for ambition than the protection of commerce and our territorial waters. But, what is worse, as you acquire colonies and ships you must create armies. The hands of the Executive, restricted and elective as it is, in the United States, became thence armed with a sceptre formidable indeed, and the more so as it acquires this strength without producing the shock to public feeling which the seizure of power by a military leader will always excite. It has been said, (said Mr. R.,) that the existence of Great Britain hung upon her navy in the contest in which she is now engaged. If her fate hangs suspended by her naval power, she owes her peril to that source. Without her maritime strength, would she have aspired to balance the scales of power on the Continent? Would she have become a party to the infamous conspiracy of Pillnitz? Would she have wantonly plotted the dismemberment of France? Would she have broken the peace of Amiens whence her present dangers arise? Certainly not.

On the article of cost, said Mr. R., it is of little importance whether the army or navy of Great Britain is most burdensome on her finances, though it has been dwelt upon with particular emphasis, nor whether an army be more expensive in every case, than a navy. Armies are a necessary consequence of navies. Has not the British army increased with equal pace with her navy?

The humane mind, said Mr. R., cannot contemplate without pain, that from naval power have flown the most copious streams of human misery. The plunder of half the world, with immense advantages in addition, has not sustained the British navy. A debt has been accumulated that almost baffles the power of figures to estimate. But debt, and a prospect of Government insolvency at home, are of much less account than the wrongs this navy has wrought on the society of nations. And yet it is this Government that is held up to Republican America as a model for imitation.

Need I remind you, said Mr. R., of the millions of victims sacrificed to commercial cupidity on the plains of Hindostan, by means of this navy? A population, thrice as great as that of

the British Isles, has been exterminated in this devoted region, within comparatively but a few years, by mercantile rapacity. Colonel Dowe informs us, that the wealth of one of the cities of this wretched country had whetted the avarice of Clive and his associates, and that an offer was made to the Government to pay the public debt for permission to sack it. It was too gross an act of infamy to assent to, and the adventurers obtained their end by other means. A famine and pestilence was substituted for the bayonet, and the spoils of the devoted city glutted the hands of rapine. In this exploit, a shoe-black divided his £200,000. Need I remind you, said Mr. R., that the population of Africa has been drained, to groan out a wretched existence in the West India colonies, to prop up this naval and commercial power, or that the remotest corners of every sea have been visited with the scourge of blood and desolation for the same purpose? On general principles, does not past experience afford sufficient warning to these States to avoid those shoals on which so many nations have been wrecked?

Mr. Chairman, under no view which I have been able to take of this subject, considering it either as the furtherance of a system of naval power, to be expanded with the growing strength of the Union to gigantic size, or that it is a proper time for providing a temporary increase of naval force, can I agree, said Mr. R., to the bill on your table.

When Mr. ROBERTS had concluded, the committee rose, and had leave to sit again.

#### WEDNESDAY, January 22.

Another member, to wit, WILLIAM M. RICHARDSON, from Massachusetts, appeared, produced his credentials, was qualified, and took his seat.

#### Naval Establishment.

The House again went into a Committee of the Whole on the bill concerning the Navy. The question on filling up the blank in the section which provides for repairing the vessels on hand, with four hundred and eighty thousand dollars, was carried by a large majority.

The next section provides for the building of — additional frigates.

Mr. OLAY (the Speaker) rose to present his views on the bill before the committee. He said that as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the committee a few moments while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had been hitherto conducted. It was honorable to the House, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present Government. On the one hand

there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify

The attention of Congress has been invited to this subject by the President in his Message delivered at the opening of the session. Indeed, had it been wholly neglected by the Chief Magistrate, from the critical situation of the country, and nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. C., the President, in his Message, observes: "Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable." The President, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing some effect; and the propriety of laying up imperishable materials was no doubt suggested for the purpose of making additions to the navy, as convenience and exigencies might direct.

It appeared to Mr. C. a little extraordinary that so much, as it seemed to him, unreasonable jealousy should exist against the Naval Establishment. If, said he, we look back to the period of the formation of the constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the Convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the Navy, Congress is put under no restrictions; but with respect to the Army—that description of force which has been so often employed to subvert the liberties of mankind—they are subjected to limitations, designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and, notwithstanding, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, ascribable to their maritime greatness? Have they attempted even to show that there exists in the nature of this power a necessary tendency to destroy the

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nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together—a very logical mode of reasoning! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and deducing their fall from their devotion to liberty, the conclusion in favor of despotism would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power to excite the fears that have been indulged? Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collisions with foreign nations—plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision you had better abandon the ocean; surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels be deemed wise, of that statesman who should recommend that the nation should be unarmed—that the art of war, the martial spirit, and martial exercises, should be prohibited—and that the great body of the people should be taught that national happiness was to be found in perpetual peace alone? No, sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or enactment of new unjust edicts, let us refrain from all exertion upon that element where they operate, and where, in the end, they must be resisted.

For his part, Mr. C. said, he did not allow himself to be alarmed by those apprehensions of maritime power which appeared to agitate other gentlemen. In the nature of our Government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is abandoned—whenever Congress shall lay burdensome taxes to augment the Navy beyond what may be authorized by the increased wealth, and demanded by the ex-

gencies of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. Mr. C. could not, then, see any just ground of dread in the nature of naval power. It was, on the contrary, free from the evils attendant upon standing armies. And, the genius of our institutions—the great representative principle, in the practical enjoyment of which we are so eminently distinguished—afforded the best guarantee against the ambition and wasteful extravagance of Government.

What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. He admitted it was impossible at this time, perhaps it never would be desirable for this country to establish so extensive a Navy. Indeed, he should consider it as madness in the extreme in this Government to attempt to provide a Navy capable to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which he would advert, is that which, without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina (Messrs. CHEVENS and LOWMYERS) had satisfactorily shown that, to effect this object, a force equivalent only to one-third of that which the maintenance of such squadron must require would be sufficient. That if, for example, England should determine to station permanently upon our coast a squadron of twelve ships-of-the-line, it would require for this service thirty-six ships-of-the-line, one-third in port repairing, one-third on the passage, and one-third on the station. But that is a force which it has been shown that even England, with her boasted Navy, could not spare for the American service whilst she is engaged in the present contest. Mr. C. said he was desirous of seeing such a force as he had described, that is, about twelve ships-of-the-line and fifteen or twenty frigates, provided for the United States; but, he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as Congress ought to set about providing, and he hoped, in less than ten years, to see it actually established. He was far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at the prospect even of her thousand ships. This country only required resolution, and a proper exertion of its immense resources, to command respect, and to vindicate every essential right. When we consider our remote-

ness from Europe, the expense, difficulty, and perils, to which any squadron would be exposed, stationed off our coasts, he entertained no doubt that the force to which he referred would insure the command of our own seas. Such a force would avail itself of our extensive seaboard and numerous harbors, everywhere affording asylums to which it could retire for safety from a superior fleet, or from which it could issue for the purpose of annoyance. To the opinion of his colleague, (Mr. McKee,) who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connexion, the heroic Daviess, who fell in the battle of Tippecanoe.

[Here Mr. C. read certain parts of a work written by Colonel Daviess, in which the author attempts to show that, as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could in the same manner be best retaliated; that a force of about twenty or thirty frigates would be capable of inflicting great injury on English commerce by picking up stragglers, cutting off convoys, and seizing upon every moment of supineness; and that such a force, with our seaports and harbors well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, as the French army was assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]\*

The third description of force worthy of consideration is, that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, or laying under contribution our cities; a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means at this time. Is there a reflecting man in the nation who would not charge Congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities? Would not every honorable member of this committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our gallant little Navy, a single British vessel should place New York under contribution? Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect in not providing engines and water buckets. If, said Mr. C., we are not able to meet the wolves of the forest, shall we put up with the barking of every petty fox that trips across our way? Because we cannot guard against every possible danger, shall we provide

against none? He hoped not. He had hardly expected that the instructing but humiliating lesson was so soon to be forgotten which was taught us in the murder of Pierce; the attack on the Chesapeake; and the insult offered in the harbor of Charleston, which the brave old fellow that commanded the fort in vain endeavored to chastise.

It was a rule with Mr. C., when acting either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was, therefore, not in favor of entering into any mad projects on this subject; but for deliberately and resolutely pursuing what he believed to be within the power of Government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted by the distinguished gentleman now at the head of the Treasury. But the state of things is totally altered. What was folly in 1798 may be wisdom now. At that time, we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased—nearly doubled—and the wealth of the nation is, perhaps, tripled. While our ability to construct a navy is thus enhanced, the necessity for maritime protection is proportionately augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenceless accession, requiring, more than any other part of our maritime frontier, the protecting arm of Government.

FRIDAY, January 24.

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The blank in the section for providing a dock yard, was filled with one hundred thousand dollars.

Mr. REEA moved so to amend the bill as to fix the dock yard in the navy-yard at Washington City; but this motion was negatived by a large majority.

On motion of Mr. CHEVES, the words "central and," were struck out, so as to leave the site of the dock yard to be determined by the Executive.

The committee having gone through the bill, rose and reported it to the House with the amendments. The House took up the bill, and on the question of filling up the blank for repairing the vessels on hand with "four hundred

\* The events of the war of 1812, and the events of all the wars of the French Revolution, justify these opinions expressed by Colonel Daviess. These events prove that cruisers and privateers, to cut up commerce, and not fleets to fight battles, are the true American means of naval warfare.

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and eighty thousand dollars," it was carried—yeas 90, nays 23.

The question was next put upon agreeing to the report of the committee to strike out the second section of the bill, which contemplated the building of new frigates; when

Mr. WILLIAMS rose and spoke at considerable length. He said the time was very inauspicious for commencing an undertaking of such magnitude as the building a navy, which could be of no use in the approaching contest. He doubted the policy of engaging in the business at all; for navies, he said, had deceived the hopes of every country which had relied upon them; that we could never expect to be able to meet Great Britain on the ocean; that we had fought through the Revolution without a navy; for in that contest, a single privateer had done more than the few ships of war which were in possession of the old Congress; that except we are able to build and equip a navy equal to meet the British at sea, we were better without one, as our ships would probably fall a prey to their superior force; that his greatest objection against a navy was, that it must be kept up in time of peace as well as in war; that when the gentlemen spoke of a navy as cheaper than an army, they could not mean to say that if we had a navy the army could be dispensed with—they could not, for instance, take possession of Canada by a navy; that the building of a navy would burden the people with oppressive taxes; that such an establishment would serve only to increase Executive patronage; that with respect to commerce, the people were willing to give it all the protection in their power, but they could not provide a navy for that purpose.

SATURDAY JANUARY 25.

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Mr. QUINCY.—Mr. Speaker, I rise to address you, on this occasion, with no affected diffidence, and with many doubts concerning the expediency of taking any part in this debate. On the one hand, the subject has been discussed with a zeal, industry, and talent, which leave but little scope for novelty, either in topic or illustration. On the other hand, arguments from this side of the House, in favor of this question, are received with so natural a jealousy, that I know not whether more may not be lost than gained by so unpropitious a support. Indeed, sir, if this subject had been discussed on narrow or temporary or party principles, I should have been silent. On such ground, I could not condescend to debate—I could not hope to influence. But, the scale of discussion has been enlarged and liberal—relative rather to the general system, than to the particular exigency. In almost every respect, it has been honorable to the House, and auspicious to the prospects of the nation. In such a state of feeling and sentiment, I could not refrain from indulging the hope that suggestions, even from so favorite a quarter, would be received with

candor—perhaps with attention. And, when I consider the deep interest which the State from which I have the honor to be a Representative has, according to my apprehension, in the event, I cannot permit the opportunity entirely to pass, without bringing my small tribute of reflection to the general stock of the House.

The object I shall chiefly attempt to enforce, is, the necessity and duty of a systematic protection of our maritime rights, by maritime means. I would call the thoughtful and intelligent men of this House and nation to the contemplation of the essential connection between a naval force, proportionate to the circumstances of our seacoast, the extent of our commerce, and the inherent enterprise of our people; I say, sir, I would call them to the contemplation of the essential connection between such a naval force and the safety, prosperity, and existence, of our Union. In the course of my observations, and as a subsidiary argument, I shall also attempt to show the connection between the adoption of the principle of a systematic maintenance of our maritime rights, by maritime means, and relief from our present national embarrassments.

I confess to you, Mr. Speaker, I never can look—indeed, in my opinion, no American statesman ought ever to look—on any question touching the vital interests of this nation, or of any of its component parts, without keeping at all times in distinct view the nature of our political association, and the character of the independent sovereignties which compose it. Among States, the only sure and permanent bond of union is *interest*. And the vital interests of States, although they may be sometimes obscured, can never, for a very long time, be misapprehended. The natural protection which the essential interests of the great component parts of our political association require will be sooner or later understood by the States concerned in those interests. If a protection, upon system, be not provided, it is impossible that discontent should not result. And need I tell statesmen, that, when great local discontent is combined in those sections with great physical power, and with acknowledged portions of sovereignty, the inbred ties of nature will be too strong for the artificial ties of parchment compact. Hence it results that the essential interests of the great component parts of our association ought to be the polar lights of all our statesmen—by them they should guide their course. According to the bearings and variations of those lights, should the statesmen of such a country adjust their policy—always bearing in mind two assurances, as fundamental principles of action, which the nature of things teaches, that, although temporary circumstances—party spirit, local rivalries, personal jealousies, suggestions of subordinate interests—may weaken, or even destroy, for a time, the influence of the leading and permanent interests of any great section of the country, yet those interests must ultimately and necessarily predom-

inate, and swallow up all these local, and temporary, and personal, and subordinate considerations; in other words, the minor interests will soon begin to realize the essential connection which exists between their prosperity and the prosperity of those great interests which, in such sections of the country, nature has made predominant; and that no political connection among free States can be lasting, or ought to be, which systematically oppresses, or systematically refuses to protect, the vital interests of any of the sovereignties which compose it.

I have recurred to these general considerations, to introduce and elucidate this principle, which is the basis of my argument, that, as it is the incumbent duty of every nation to protect its essential interests, so it is the most impressive and critical duty of a nation, composed of a voluntary association of vast, powerful, and independent States, to protect the essential interests of all its great component parts. And I add, that this protection must not be formal or fictitious, but that it must be proportionate to the greatness of those interests, and of a nature to give content to the States concerned in their protection.

In reference to this principle, the course of my reflections will be guided by two general inquiries—the nature of the interest to be protected, and the nature of the protection to be extended. In pursuing these inquiries, I shall touch very slightly, if at all, on the abstract duty of protection, which is the very end of all political associations, and, without the attainment of which, they are burdens and no blessings. But I shall keep it mainly in my purpose to establish the connection between a naval force and commercial prosperity; and to show the nature of the necessity, and the degree of our capacity, to give to our maritime rights a maritime protection.

In contemplating the nature of the interest to be protected, three prominent features strike the eye, and direct the course of reflection, viz: its locality, its greatness, and its permanency.

The locality of any great interest, in an association of States such as compose this Union, will be a circumstance of primary importance, in the estimation of every wise statesman. When a great interest is equally diffused over the whole mass, it may be neglected or oppressed or even abandoned, with less hazard of internal dissension. The equality of the pressure lightens the burden. The common nature of the interest removes the causes of jealousy. A concern equally affecting the happiness of every part of the nation, it is natural to suppose, is equally dear to all, and equally understood by all. Hence results acquiescence in any artificial or political embarrassment of it. Sectional fears and suspicions, in such case, have no food for support, and no stimulant for activity. But it is far otherwise when a great interest is, from its nature, either wholly, or in a very great proportion, local. In relation to such a local interest, it is impossible that jealousies and suspi-

cions should not arise, whenever it is obstructed by any artificial or political embarrassment; and it is also impossible that they should not be, in a greater or less degree, just. It is true, of the wisest and the best and the most thoughtful of our species, that they are so constituted as not deeply to realize the importance of interests which affect them not at all, or very remotely. Every local circle of States, as well as of individuals, has a set of interests, in the prosperity of which, the happiness of the section to which they belong is identified; in relation to which interests, the hopes and the fears, the reasonings and the schemes, of the inhabitants of such sections are necessarily fashioned and conducted. It is morally impossible that those concerned in such sectional interests, should not look with some degree of jealousy on schemes adopted in relation to those interests, and prosecuted by men, a majority of whom have a very remote or very small stake in them. And this jealousy must rise to an extreme height, when the course of measures adopted, whether they have relation to the management or the protection of such interests, wholly contravene the opinions and the practical experience of the persons immediately concerned in them. This course of reflection has a tendency to illustrate this idea—that, as in every political association it is of primary importance that the great interests of each local section should be skilfully and honestly managed and protected, so, in selecting the mode and means of management and protection, an especial regard should be had to the content and rational satisfaction of those most deeply concerned in such sectional interests. Theories and speculations of the closet, however abundant in a show of wisdom, are never to be admitted to take the place of those principles of conduct in which experience has shown the prosperity and safety of such interests to consist. Practical knowledge, and that sagacity which results from long attention to great interests, never fail to inspire a just self-confidence in relation to those interests—a confidence not to be browbeaten by authority, nor circumvented by any general reasoning. And, in a national point of view, it is scarcely of more importance that the course adopted should be wise, than that content and rational satisfaction should be given.

On this topic of locality, I shall confine myself to one or two very plain statements. It seems sufficient to observe, that commerce is, from the nature of things, the leading interest of more than one-half, and that it is the predominant interest of more than one-third, of the people of the United States. The States north of the Potomac contain nearly four millions of souls; and surely it needs no proof to convince the most casual observer, that the proportion which the commercial interest bears to the other interests of that great section of the Union, is such as entitles it to the denomination of *leading interest*. The States north of the Hudson contain nearly two and a half mil-



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lions of souls; and surely there is as little need of proof to show that the proportion the commercial interest bears to the other interests of that Northern section of the Union, is such as entitles it there to the denomination of *predominating interest*. In all the country between the Potomac and the Hudson the interest of commerce is so great, in proportion to the other interests, that its embarrassment clogs and weakens the energy of every other description of industry. Yet, the agricultural and manufacturing interests of this section are of a nature and a magnitude, both in respect of the staples of the one and the objects of the other, as to render them, in a very considerable degree, independent of the commercial. And, although they feel the effect of the obstruction of commerce, the feeling may be borne for a long time, without much individual suffering, or any general distress. But, in the country north of the Hudson, the proportion and connection of these great interests are different. Both agriculture and manufactures have there grown up in more intimate relation to commerce. The industry of that section has its shape and energy from commercial prosperity. To the construction, the supply, and the support of navigation, its manufactures have a direct or indirect reference; and it is not very different with its agriculture. A country divided into small farms, among a population great compared with its extent, requires quick circulation and easy processes in the exchange of its commodities. This can only be obtained by an active and prosperous commerce.

But, perhaps, the greatness of this interest, and our pecuniary ability to protect it, may be made more strikingly apparent by a comparison of our commerce with that of Britain, in the single particular of export. I state, then, as a fact, of which any man may satisfy himself by a reference to McPherson's *Annals of Commerce*, where the tables of British export may be found, that, taking the nine years prior to the war of our Revolution—from 1766 to 1774 inclusive—the total average export of Great Britain was £16,000,000 sterling; equal to \$71,000,000—an amount less, by \$10,000,000, than the present total average export of the United States. And again, taking the nine years beginning with 1789, and ending with 1797, inclusive, the total annual average export of Great Britain was £24,000,000 sterling—equal to \$106,000,000—which is less, by \$2,000,000, than the total export of the United States in 1807. It is true, that this is the *official value* of the British export, and that the *real value* is somewhat higher—perhaps thirty per cent. This circumstance, although it in a degree diminishes the approximation of the American to the British commerce, in point of amount does not materially affect the argument. Upon the basis of her commerce, Great Britain maintains a maritime force of 800 or 1,000 vessels of war. And will it be seriously contended, that, upon the basis of a commerce like ours, thus treading

upon the heels of British greatness, we are absolutely without the ability of maintaining the security of our seaboard, the safety of our cities, and the unobstructed course of our coasting trade?

By recurring to the permanency of this interest, the folly and madness of this negligence and misplaced meanness—for it does not deserve the name of economy—will be still more distinctly exhibited. If this commerce were the mushroom growth of a night—if it had its vigor from the temporary excitement and the accumulated nutriment which warring elements in Europe had swept from the places of their natural deposit—then, indeed, there might be some excuse for a temporizing policy touching so transitory an interest. But commerce in the Eastern States is of no foreign growth, and of no adventitious seed; its root is of a fibre which almost two centuries have nourished; and the perpetuity of its destiny is written in legible characters, as well in the nature of the country, as in the disposition of its inhabitants. Indeed, sir, look along your whole coast, from Passamaquoddy to Capes Henry and Charles, and behold the deep and far-winding creeks and inlets, the noble basins, the projecting headlands, the majestic rivers; and those sounds and bays, which are more like inland seas, than any thing called by those names in other quarters of the globe! Can any man do this, and not realize that the destiny of the people inhabiting such a country is essentially maritime? Can any man do this, without being impressed by the conviction, that, although the poor projects of politicians may embarrass, for a time, the dispositions growing out of the condition of such a country, yet that nature will be too strong for cobweb regulations, and will vindicate her rights with certain effect—perhaps with awful perils? No nation ever did or ever ought to resist such allurements and invitations to a particular mode of industry. The purposes of Providence relative to the destination of men are to be gathered from the circumstances in which his beneficence has placed them; and to refuse to make use of the means of prosperity which his goodness has put into our hands, what is it but spurning at his bounty, and rejecting the blessings which his infinite wisdom has designated for us, by the very nature of his allotments? The employments of industry, connected with navigation and commercial enterprise, are precious to the people of that quarter of the country, by ancient prejudice, not less than recent profit. The occupation is rendered dear and venerable, by all the cherished associations of our infancy, and all the sage and prudential maxims of our ancestors. And, as to the lessons of encouragement derived from recent experience, what nation, within a similar period, ever received so many that were sweet and salutary? What nation, in so short a time, ever before ascended to such a height of commercial greatness?

Having concluded what I intended to sug-

gest, in relation to the nature of the interest to be protected, I proceed to consider the nature of the protection which it is our duty to extend. And here, Mr. Speaker, I am necessitated to make an observation which is so simple and so obvious, that were it not for the arguments urged against the principle of maritime protection, I should have deemed the mere mention of it to require an apology. The remark is this: that rights, in their nature local, can only be maintained where they exist, and not where they do not exist. If you had a field to defend in Georgia, it would be very strange to put up a fence in Massachusetts. And yet, how does this differ from invading Canada, for the purpose of defending our maritime rights? I beg not to be understood, Mr. Speaker, by this remark, as intending to chill the ardor for the Canada expedition. It is very true, that, to possess ourselves of the Canadas, and Nova Scotia, and their dependencies, it would cost these United States, at the least estimate, \$50,000,000; and that Great Britain's national pride, and her pledge of protection to the people of that country, being put out of the question, she would sell you the whole territory for half the money. I make no objection, however, on this account. On the contrary, for the purposes of the present argument, I may admit that pecuniary calculation ought to be put out of the field, when spirit is to be shown, or honor vindicated. I only design to inquire how our maritime rights are protected by such invasion. Suppose that in every land-project you are successful—suppose both the Canadas, Quebec, Halifax, every thing to the North pole, yours by fair conquest—are your rights on the ocean, therefore, secure? Does your flag float afterwards in honor? Are your seamen safe from impressment? Is your course along the highway of nations unobstructed? No one pretends it. No one has or can show, by any logical deduction, or any detail of facts, that the loss of those countries would so compress Great Britain as to induce her to abandon for one hour any of her maritime pretensions. What then results? Why, sir—what is palpable as the day—that maritime rights are only to be maintained by maritime means. This species of protection must be given, or all clamor about maritime rights will be understood, by the people interested in them, to be hollow or false; or (what is worse) an intention to co-operate with the enemies of our commerce in a still further embarrassment of it.

In considering this subject of maritime protection, I shall recur to the nature and degree of it, and to our capacity to extend it. And there we are always met, at the very threshold, with this objection: "A naval force requires much time to get it into readiness, and the exigency will be past before the preparation can be completed." This want of foresight in times past, is made an apology for want of foresight in the time present. We were unwise in the beginning, and unwise we resolve to continue until the end of the chapter. We refuse to do

any thing until the moment of exigency, and then it is too late. Thus our improvidence is made sponsor for our disinclination. But what is the law of nature and the dictate of wisdom, on this subject? The casualties of life, the accidents to which man is exposed, are the modes established by Providence for his instruction. This is the law of our nature. Hence it is that adversity is said to keep a school for certain people who will learn in no other. Hence, too, the poet likens it to "a toad, ugly and venomous, which bears a precious jewel in his head." And, in another place, but with the same general relation, "out of this thorn danger, we pluck the flower safety." This law is just as relative to nations, as it is to individuals. For, notwithstanding all the vaunting of statesmen, their whole business is to apply an enlarged common sense to the affairs intrusted to their management.

Touching the nature and degree of that maritime protection, which it may be wise in this nation to extend to its maritime interests, it seems to me that our exertions should rather be excited than graduated, by the present exigency; that our duty is to inquire, upon a general scale, what our commercial citizens have, in this respect, a right to claim; and what is the unquestionable obligation of a commercial nation, to so great a class of its interests. For this purpose, my observations will have reference rather to the principles of the system, than to the provisions of the bill now under debate. Undoubtedly, an appropriation for the building of ten, or any other additional number of frigates, would be so distinct a manifestation of the intention of the National Legislature to extend to commerce its natural protection, as in itself to outweigh any theoretic preference for a maritime force of higher character. I cannot, therefore, but cordially support an appropriation for a species of protection so important and desirable. Yet in an argument, having relation to the system, rather than to the occasion, I trust I shall have the indulgence of the House, if my course of reflections should take a wider range than the propositions on the table, and embrace, within the scope of remark, the general principles by which the nature and degree of systematical naval protection should in my judgment be regulated.

Touching that branch of interest which is most precious to commercial men, it is impossible that there can be any mistake. For however dear the interests of property or of life, exposed upon the ocean, may be to their owners or their friends; yet the safety of our altars and of our firesides, of our cities and of our seaboard, must, from the nature of things, be entwined into the affections by ties incomparably more strong and tender. And it happens that both national pride and honor are peculiarly identified with the support of these primary objects of commercial interest.

With respect to the nature and extent of this naval force, some difference of opinion may

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arise, according to the view taken of the primary objects of protection. For myself, I consider that those objects are first to be protected, in the safety of which the national character and happiness are most deeply interested. And these are chiefly concerned, beyond all question, in the preservation of our maritime settlements from pillage and our coast from violence. For this purpose it is requisite that there should be a ship of war for the harbor of every great city of the United States, equal, in point of force, to the usual grade of ships-of-the-line of the maritime belligerents. These ships might be so instructed as to act singly or together, as circumstances might require. My reason for the selection of this species of force is, that it puts every city and great harbor of the United States in a state of security from the insults, and the inhabitants of your seacoast from the depredation, of any single ship of war of any nation. To these should be added a number of frigates and smaller vessels of war. By such means our coasting trade might be protected, the mouths of our harbors secured (in particular that of the Mississippi) from the buccaneers of the West Indies, and, hereafter perhaps, from those of South America. A system of protection, graduated upon a scale so conformable to the nature of the country, and to the greatness of the commercial interest, would tend to quiet that spirit of jealousy which so naturally and so justly begins to spring up among the States. Those interested in commerce would care little what local influences predominated, or how the ball of power vibrated among our factions, provided an efficient protection of their essential interests, upon systematic principles, was not only secured by the letter of the constitution, but assured by a spirit pervading every description of their rulers.

But it is said that "we have not capacity to maintain such a naval force." Is it want of pecuniary or want of physical capacity? In relation to our pecuniary capacity, I will not condescend to add any proof to that plain statement already exhibited, showing that we have an annual commercial exposure, equal to six hundred millions of dollars, and that two-thirds of one per cent. upon this amount of value, or four millions of dollars, is more than is necessary, if annually and systematically appropriated, for this great object; so anxiously and rightfully desired by your seaboard, and so essential to the honor and obligations of the nation. I will only make a single other statement, by way of illustrating the smallness of the annual appropriations necessary for the attainment of this important purpose. The annual appropriation of one-sixth of one per cent. on the amount of the value of the whole annual commercial exposure, (one million of dollars,) is sufficient to build, in two years, six seventy-four gun ships; and taking the average expense in peace and war, the annual appropriation of the same sum is sufficient to maintain them afterwards, in a condition for efficient service. This objection of pecuniary inability may be believed in the

interior country, where the greatness of the commercial property and all the tender obligations connected with its preservation, are not realized. But, in the cities and in the commercial States, the extent of the national resources is more truly estimated. They know the magnitude of the interests at stake and their essential claim to protection. Why, sir, were we seriously to urge this objection of pecuniary incapacity to the commercial men of Massachusetts, they would laugh us to scorn. Let me state a single fact. In the year 1745, the State, then the colony of Massachusetts Bay, included a population of 220,000 souls, and yet, in that infant state of the country, it owned a fleet consisting of three ships, one of which carried twenty guns, three snows, one brig, and three sloops; being an aggregate of ten vessels of war. These partook of the dangers, and shared in the glory, of that expedition which terminated with the surrender of Louisburg. Comparing the population, the extent of territory, the capital, and all the other resources of this great nation, with the narrow means of the colony of Massachusetts at that period of its history, it is not extravagant to assert that the fleet it then possessed, in proportion to its pecuniary resources, was greater than would be, in proportion to the resources of the United States, a fleet of fifty sail-of-the-line and one hundred frigates.

The general effect of the policy I advocate, is to produce confidence at home and respect abroad. These are twin shoots from the same stock, and never fail to flourish or fade together. Confidence is a plant of no mushroom growth and of no artificial texture. It springs only from sage counsels and generous endeavors. The protection you extend must be efficient and suited to the nature of the object you profess to maintain. If it be neither adequate nor appropriate, your wisdom may be doubted, your motives may be distrusted, but in vain you expect confidence. The inhabitants of the seaboard will inquire of their own senses and not of your logic, concerning the reality of their protection.

As to respect abroad, what course can be more certain to insure it? What object more honorable, what more dignified than to behold a great nation pursuing wise ends by appropriate means; rising to adopt a series of systematic exertions, suited to her power, and adequate to her purposes? What object more consolatory to the friends—what more paralyzing to the enemies of our Union—than to behold the natural jealousies and rivalries, which are the acknowledged dangers of our political condition, subsiding or sacrificing? What sight more exhilarating than to see this great nation once more walking forth among the nations of the earth, under the protection of no foreign shield? Peaceful because powerful—powerful because united in interests, and amalgamated by concentration of those interests in the national affections.

But, let the opposite policy prevail; let the

essential interests of the great component parts of this Union find no protection under the national arm—instead of safety let them realize oppression, and the seeds of discord and dissolution are inevitably sown in a soil the best fitted for their root, and affording the richest nourishment for their expansion. It may be a long time before they ripen. But, sooner or later, they will assuredly burst forth in all their destructive energies. In the intermediate period, what aspect does a Union, thus destitute of cement, present? Is it that of a nation keen to discern, and strong to resist, violations of its sovereignty? It has rather the appearance of a casual collection of semi-barbarous clans, with the forms of civilization, and with the rude and rending passions of the savage state. In truth, powerful—yet, as to any foreign effect, imbecile—rich, in the goods of fortune, yet wanting that inherent spirit without which a nation is poor indeed; their strength exhausted by struggles for local power; their moral sense debased by low intrigues for personal popularity, or temporary pre-eminence; all their thoughts turned not to the safety of the State, but to the elevation of a chieftain. A people presenting such an aspect, what have they to expect abroad? What but pillage, insult, and scorn?

The choice is before us. Persist in refusing efficient maritime protection; persist in the system of commercial restrictions; what now is, perhaps, anticipation, will hereafter be history.

Mr. FISKE said that, when this subject was first presented to the House, he felt inclined to vote for a small increase of the Naval Establishment; but it now appears that, what is asked for is considered only as laying a foundation for a great system—a system which, he feared, if carried into execution, might change the Government.

Mr. F. contended that the Navy never had, and never could protect our commerce. Like standing armies, he considered navies as dangerous to liberty. As to the constitutional provision, with respect to a navy, it is nothing more than a mere grant of power, which Congress is at liberty to use or not, as they may deem it necessary or expedient.

Though he had listened with candor to all the arguments which had been used in favor of an increase of this Establishment at the present time, he was far from being convinced that such an increase, at present, is either necessary or expedient. It appeared to him that every nation which has embarked, to any extent, in Navy Establishments, has been eventually crushed by them. Whether you go back to ancient, or look upon modern Europe, you will find navies have not afforded that protection which gentlemen are desirous of persuading the House they are capable of affording. Has the navy of Russia protected her commerce? There are in the Russian dominions from twenty-five to thirty millions of people; but, by every account we have of them, their situation is not very en-

viable; nor have they any great degree of commerce to protect. Where are the navies of Sweden and Denmark? The latter, it is well known, were swept away and destroyed by the British fleet; and the fleet of Sweden serves only to keep the country in poverty to maintain it. A navy looks pretty well in theory; but look into the experience of nations, and it will be found to have been the bane of every country which has had any thing to do with it. We should want wisdom, therefore, to pursue a system which has proved so ruinous to others.

With respect to Great Britain herself, it had been said that her navy had been the basis of her wealth and prosperity. Mr. F. said he did not envy the situation of that country. The glory and honor which such nations are in the habit of acquiring, prove a curse to them in the end by enslaving them with expense.

As to the protection and encouragement of commerce, he believed commerce would always flourish best when left to itself unshackled by regulations. It will then be carried to every part of the globe. In the course of the debate, it had been said that the exports of Great Britain, in 1797, were not greater than ours before our commerce was restricted, though that nation had possessed a navy which had triumphed on the ocean for half a century. How did this happen? It was owing, said Mr. F., to the freedom of our commerce.

The gentleman from Massachusetts (Mr. QUINCY) had spoken of the naval force formerly possessed by Massachusetts. But, what security did those ships afford? They were of no use, as he believed; they were nothing but a heavy expense to the State; and he believed the merchants had found their commerce in a much better state since, than it was when they were in being.

Gentlemen speak of the embarrassments of our commerce, as if they were owing to our not having a navy; but, if they will look around, they will find that those countries which have navies have not escaped; our embarrassments have arisen from the wrongs committed against us by other nations, which we had no power of preventing.

It had been shown that the Navy Establishment proposed could not be supported but by an expense which would prove ruinous to this country. Rather than incur this expense, he was willing to dispense with the honor supposed to be attached to such an Establishment. Mr. F. was opposed to this system, too, because it could not be supported without having recourse to a force similar to impressment to obtain a number of seamen sufficient to man such a fleet. He was anxious to protect every part of the Union; but he could not consent to support any scheme so pregnant with mischief to the country, as he considered this large Navy Establishment to be.

The question on agreeing to strike out the section for building the frigates was carried—yeas 62, nays 59.

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The next question was, on agreeing with the Committee of the Whole to fill the blank for providing ship timber and other imperishable materials, with the words two hundred thousand dollars, which was carried—yeas 82, nays 87.

Another question was on agreeing with the Committee of the Whole to make the above appropriation for three years, viz: for the years 1812, 1813, and 1814. This motion was carried—yeas 67, nays 52.

The next question was on agreeing with the Committee of the Whole to appropriate one hundred thousand dollars for providing a dock yard.

Mr. RHEA moved to strike out the section; but this motion being decided to be out of order, Mr. D. R. WILLIAMS spoke against the propriety of appropriating money, without estimate, for an object not wanted until we went about building seventy-fours. The House adjourned, on motion of Mr. SMILE, without taking the question.

TUESDAY, January 28.

*Naval Establishment.*

The order of the day, viz: the bill concerning the Naval Establishment, was then taken up, and the question on agreeing to the report of the Committee of the Whole, to fill up the blank in the section providing a dock yard, with one hundred thousand dollars, being under consideration, Mr. CHEVES stated the grounds upon which the committee had recommended this provision of the bill, and replied to some remarks of his colleague (Mr. WILLIAMS) made yesterday.

Mr. RHEA then moved to strike out the whole section in relation to the dock yard; which, after some little debate, was carried—yeas 56, nays 52.

Mr. BLACKLEDGE moved a new section to the bill, providing for the building of four seventy-four gunships. As an inducement to the House to adopt this new section, he stated there were sufficient timber and guns on hand; that the whole expense would not exceed \$1,800,000, and the guns and timber being already provided, an appropriation of \$824,000 only, would be necessary to complete them.

The question was negatived—yeas 38, nays 78.

The bill was then ordered to be engrossed for a third reading to-morrow.

MONDAY, March 2.

*Divorces in the District.*

Mr. LEWIS, from the Committee on the District of Columbia, made the following report:

The Committee for the District of Columbia, to whom were referred the petitions of Jane Deakins, praying for a divorce from William Deakins, and of David Beck, praying for a divorce from Ellen, his wife, submit the following report:

The only object which the petitioners can have in view is to be enabled, respectively, to enter into new contracts of marriage. Were marriages only a *civil institution*, the courts of law would be open to all parties seeking the redress now prayed for, for alleged breach of the marriage contract: but it is something more; it is a *divine ordinance*, and has been pronounced such by the highest legal as well as spiritual authority. The competency of any human tribunal to dissolve its sacred obligations may well be doubted. The justice or policy, under any circumstances, of weakening the matrimonial institution, upon the purity of which depends the very fabric of society itself, may be boldly denied. Divorces are not merely the effect of corruption of manners; they are the cause also. They hold out temptations to crime which human infirmity cannot at all times resist. They hold out incentives to that adultery which they are called in to remedy. Extreme cases may indeed be put, but they are rare; both parties are generally in fault. Shall a very few individuals, who present themselves in a questionable shape, be debarred from contracting a second marriage, or shall the foundations of society be loosened for their special accommodation? Shall the heaviest public injury be encountered for the convenience of those, who, for the most part, have shown how little reliance is to be placed upon their virtue or discretion? Shall incentives to nuptial infidelity be presented to the great body of society for the personal gratification of a few unfortunate members, diffusing dissatisfaction and discontent, where, but for the deceitful hope of divorce, they had never been known?

The frequency of divorces may be taken as an unerring criterion of the depravity of morals. A respectable authority has declared, that "from the Reformation to the commencement of the eighteenth century, there had occurred only four instances of Parliamentary divorce; but, in the present reign, they had increased to the enormous number of one hundred and ninety-three." It is notorious that the crime which is made the ground-work of the divorce, is frequently committed with the most "deliberate and unblushing indifference," for the purpose of enabling the adulterer and adulteress thereafter to intermarry. Your committee will not attempt to pursue the subject further. It is calculated to inspire the most solemn reflections. They are opposed to divorce upon principle, as tending to excite family discord; as bearing hard upon the weaker sex, whom it is especially incumbent upon us to protect and to cherish; above all, as weakening the matrimonial tie, upon the sanctity of which depend "all the charities of father, son, and brother." The committee will not enter into the question how far it may be wise or politic to hold forth to the world this District as an asylum for those who wish to obtain absolution from the marriage vow. They will content themselves with submitting the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Referred to a Committee of the Whole on Monday next.

WEDNESDAY, March 4.

*Constitution of Orleans.*

The following message was received from the PRESIDENT OF THE UNITED STATES:

H. OF R.]

*British Intrigues.*

[MARCH, 1812.]

*To the Senate and House of  
Representatives of the United States :*

At the request of the convention assembled in the Territory of Orleans on the 23d day of November last, I transmit to Congress the proceedings of that body in pursuance of the act, entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, and for other purposes."

JAMES MADISON.

MARCH 3, 1812.

The Message and accompanying documents having been read, a proposition was made to refer them to a select committee; but, before it was decided, the House adjourned.

MONDAY, March 9.

*British Intrigues.*

The following Message was received from the  
PRESIDENT OF THE UNITED STATES:

*To the Senate and House of  
Representatives of the United States :*

I lay before Congress copies of certain documents which remain in the Department of State. They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public Ministers here, a secret agent of that Government was employed in certain States, more especially at the seat of Government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation; and in intrigues with the disaffected for the purpose of bringing about resistance to the laws; and eventually, in concert with a British force, of destroying the Union and forming the Eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the Public Councils, it will not fail to render more dear to the hearts of all good citizens that happy Union of these States, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

MARCH 9, 1812.

*Mr. Henry to Mr. Monroe.*

PHILADELPHIA, February 20, 1812.

SIR: Much observation and experience have convinced me, that the injuries and insults with which the United States have been so long and so frequently visited, and which cause their present embarrassment, have been owing to an opinion entertained by foreign States, "that in any measure tending to wound their pride, or provoke their hostility, the Government of this country could never induce a great majority of its citizens to concur."—And as many of the evils which flow from the influence of this opinion on the policy of foreign nations, may be removed by any act that can produce unanimity among all parties in America, I voluntarily tender to you, sir, such means, as I possess, towards promoting so desirable and important an object; which, if accomplished, cannot fail to extinguish, perhaps for-

ever, those expectations abroad, which may protract indefinitely an accommodation of existing differences, and check the progress of industry and prosperity in this rising Empire.

I have the honor to transmit herewith the documents and correspondence relating to an important mission in which I was employed by Sir James Craig, the late Governor General of the British Provinces in North America, in the winter of the year 1809.

The publication of these papers will demonstrate a fact not less valuable than the good already proposed; it will prove that no reliance ought to be placed on the professions of good faith of an Administration, which, by a series of disastrous events, has fallen into such hands as a Castlereagh, a Wellesley, or a Liverpool—I should rather say into the hands of the stupid subalterns, to whom the pleasures and the indolence of those Ministers have consigned it.

In contributing to the good of the United States by an exposition which cannot (I think) fail to solve and melt all division and disunion among its citizens, I flatter myself with the fond expectation that when it is made public in England it will add one great motive to the many that already exist, to induce that nation to withdraw its confidence from men whose political career is a fruitful source of injury and embarrassment in America; of injustice and misery in Ireland; of distress and apprehension in England; and contempt every where. In making this communication to you, sir, I deem it incumbent on me distinctly and unequivocally to state that I adopt no party views; that I have not changed any of my political opinions; that I neither seek nor desire the patronage nor countenance of any Government nor of any party; and that, in addition to the motives already expressed, I am influenced by a just resentment of the perfidy and dishonor of those who first violated the conditions upon which I received their confidence; who have injured me and disappointed the expectations of my friends, and left me no choice but between a degrading acquiescence in injustice, and a retaliation which is necessary to secure to me my own respect.

This wound will be felt where it is merited; and if Sir James Craig still live, his share of the pain will excite no sympathy among those who are at all in the secret of our connection.

I have the honor to be, sir, your most obedient servant, &c.

J. HENRY.

To Hon. JAMES MONROE,  
Secretary of State, &c.

No. 1.

Mr. Ryland, Secretary to Sir James Craig, late Governor General of the British Provinces in North America, to Mr. Henry.

*Application to undertake the Mission to the United States.*

[Most secret and confidential.]

QUEBEC, January 28, 1809.

MY DEAR SIR: The extraordinary state of things at this time in the neighboring States has suggested to the Governor-in-Chief the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. The information and political observations heretofore

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received from you were transmitted by his Excellency to the Secretary of State, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have suggested, would give you a claim, not only on the Governor General, but on His Majesty's Ministers, which might eventually contribute to your advantage. You will have the goodness, therefore, to acquaint me, for his Excellency's information, whether you could make it convenient to engage in a mission of this nature, and what pecuniary assistance would be requisite to enable you to undertake it, without injury to yourself.

At present, it is only necessary for me to add, that the Governor will furnish you with a cipher for carrying on your correspondence; and that, in case the leading party in any of the States wished to open a communication with this Government, their views might be communicated through you.

I am, with great truth and regard, my dear sir, your most faithful, humble servant,

HERMAN W. RYLAND.

JOHN HENRY, Esq.

—  
No. 2.

General Instructions from Sir J. H. Craig to Mr. Henry, respecting his Secret Mission.

*His Excellency the Governor-in-Chief's Instructions to Mr. Henry, of February, 1809.*

[Most secret and confidential.]

QUEBEC, February 6, 1809.

SIR: As you have so readily undertaken the service which I have suggested to you, as being likely to be attended with much benefit to the public interests, I am to request, that, with your earliest convenience, you will proceed to Boston.

The principal object that I recommend to your attention, is, the endeavor to obtain the most accurate information of the true state of affairs in that part of the Union, which, from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will indeed probably lead the other Eastern States of America in the part that they may take at this important crisis.

I shall not pretend to point out to you the mode by which you will be most likely to obtain this important information; your own judgment, and the connections which you may have in the town, must be your guide. I think it, however, necessary to put you on your guard against the sanguineness of an aspiring party. The Federalists, as I understand, have at all times discovered a leaning to this disposition; and their being under its particular influence, at this moment, is the more to be expected, from their having no ill-founded ground for their hopes of being nearer the attainment of their object than they have been for some years past.

In the general terms which I have made use of in describing the object which I recommend to your attention, it is scarcely necessary that I should observe, I include the state of the public opinion, both with regard to their internal politics, and to the probability of a war with England; the comparative strength of the two great parties into which the country is divided, and the views and designs of that which may ultimately prevail.

It has been supposed, that, if the Federalists of the Eastern States should be successful in obtaining that decided influence which may enable them to direct

the public opinion, it is not improbable that, rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general Union. The earliest information on this subject may be of great consequence to our Government, as it may also be, that it should be informed how far, in such an event, they would look up to England for assistance, or be disposed to enter into a connection with us.

Although it would be highly inexpedient that you should in any manner appear as an avowed agent, yet, if you could contrive to obtain an intimacy with any of the leading party, it may not be improper that you should insinuate, (though with great caution,) that, if they should wish to enter into any communication with our Government, through me, you are authorized to receive any such, and will safely transmit it to me. And as it may not be impossible that they should require some document, by which they may be assured that you are really in the situation in which you represent yourself, I enclose a credential to be produced in that view. But, I most particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed, and unless you see good ground for expecting that the doing so may lead to a more confidential communication than you can otherwise look for.

In passing through the State of Vermont, you will of course exert your endeavors to procure all the information that the short stay you will probably make there will admit of. You will use your own discretion as to delaying your journey with this view, more or less, in proportion to your prospects of obtaining any information of consequence.

I request to hear from you as frequently as possible; and as letters directed to me might excite suspicion, it may be as well that you put them under cover to Mr. —; and as even the addressing letters always to the same person might attract notice, I recommend your sometimes addressing your packet to the Chief Justice here, or occasionally, though seldom, to Mr. Ryland, but never with the addition of his official description.

I am, sir, your most obedient humble servant,  
J. H. CRAIG.

JOHN HENRY, Esq.

—  
*Copy of the "Credential" given by Sir James Craig to Mr. Henry.*

The bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me in the business committed to him. In faith of which I have given him this under my hand and seal at Quebec, the 6th day of February, 1809.

[Copies of the letters from Mr. Henry to Sir James Craig, relative to his mission to the United States, in the year 1809.]

No. 1.

*Answer to the letter of Mr. Secretary Ryland, proposing the mission, &c.*

MONTREAL, Jan. 31, 1809.

SIR: I have to acknowledge the favor of your letter of the 26th instant, written by the desire of his Excellency, the Governor-in-Chief, and hasten to express, through you, to his Excellency, my readiness to comply with his wishes.

I need not add how very flattering it is to receive from His Excellency the assurance of the approbation of His Majesty's Secretary of State, for the very humble services that I may have rendered.

If the nature of the service in which I am to be engaged will require no other disbursements than for my individual expenses, I do not apprehend that these can exceed my private resources.

I shall be ready to take my departure before my instructions can be made out.

I have the honor to be your most obedient servant,  
J. H.

H. W. RYLAND, Esq., *Secretary, &c.*

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No. 2.

*To His Excellency the Governor General, &c., in answer to his letter of instructions, &c.*

MONTREAL, Feb. 10, 1809.

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of instructions, the letter of credence, and the cipher for carrying on my correspondence. I have bestowed much pains upon the cipher, and am, notwithstanding this, deficient in some points which might enable me to understand it clearly. I have compared the example with my own exemplification of the cipher, and find a difference in the results; and as the present moment seems favorable to the interference of His Majesty's Government in the measures pursued by the Federal party in the Northern States, and more especially as the Assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any further explanation of the means of carrying on a secret correspondence, which the frequency of safe private conveyances to Canada will render almost wholly unnecessary. Should it, however, be necessary at any time, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it there is a number for every letter in the alphabet, and particular numbers for particular phrases; so that when I do not find in the index the particular word I want, I can spell it with the figures which stand opposite to the letters. For example, if I want to say that "troops are at Albany," I find under the letter T, that No. 16 stands for "troops," and number 125 for "Albany;" the intervening words "are at" I supply by figures corresponding with the letters in these words.

It will be necessary to provide against accident by addressing the letters to Mr. —, of Montreal, with a small mark on the corner of the envelope, which he will understand. When he receives it he will then address the enclosure to your Excellency, and send it from Montreal by mail. I will be careful not to address your Excellency in the body of the letter, nor sign my name to any of them. They will be merely designated by the initials A. B.

If this mode should, in any respect, appear exceptionable, your Excellency will have the goodness to order a more particular explanation of the card. It would reach me in safety enclosed to —, Boston.

I have the honor to be, with profound respect, your Excellency's most obedient servant, &c. J. H.

—  
No. 3.

BURLINGTON, (Vt.), Feb. 14, 1809.

SIR: I have remained here two days in order fully to ascertain the progress of the arrangements heretofore made for organizing an efficient opposition to the General Government, as well as to become ac-

quainted with the opinions of the leading people relative to the measures of that party which has the ascendancy in the National Councils.

On the subject of the embargo laws there seems to be but one opinion; namely, that they are unnecessary, oppressive, and unconstitutional. It must also be observed, that the execution of them is so invidious as to attract toward the officers of Government the enmity of the people, which is of course transferable to the Government itself; so that, in case the State of Massachusetts should take any bold step toward resisting the execution of these laws, it is highly probable that it may calculate upon the hearty co-operation of the people of Vermont.

I learn that the Governor of this State is now visiting the towns in the northern section of it, and makes no secret of his determination, as Commander-in-Chief of the militia, to refuse obedience to any command from the General Government which can tend to interrupt the good understanding that prevails between the citizens of Vermont and His Majesty's subjects in Canada. It is further intimated that, in case of a war, he will use his influence to preserve this State neutral, and resist, with all the force he can command, any attempt to make it a party. I need not add that, if these resolutions are carried into effect, the State of Vermont may be considered as an ally of Great Britain.

To what extent the sentiments which prevail in this quarter exist in the neighboring States, or even in the eastern section of this State, I am not able to conjecture. I only say with certainty, that the leading men of the Federal party act in concert; and therefore infer that a common sentiment pervades the whole body throughout New England.

I have seen a letter from a gentleman now in Washington to his correspondent in this place; and, as its contents may serve to throw some light on passing events there, I shall send either the original, or a copy, with this despatch. The writer of the letter is a man of character and veracity; and, whether competent or not to form correct opinions himself, is probably within the reach of all the knowledge that can be obtained by the party to which he belongs.

It appears by his statement that there is a very formidable majority in Congress on the side of the Administration; notwithstanding which, there is every reason to hope, that the Northern States, in their distinct capacity, will unite, and resist, by force, a war with Great Britain. In what mode this resistance will first show itself is probably not yet determined upon; and may, in some measure, depend upon the reliance that the leading men may place upon assurances of support from His Majesty's representatives in Canada; and as I shall be on the spot to tender this whenever the moment arrives that it can be done with effect, there is no doubt that all their measures may be made subordinate to the intentions of His Majesty's Government. Great pains are taken by the men of talents and intelligence to confirm the fears of the common people, as to the concurrence of the Southern Democrats in the projects of France; and every thing tends to encourage the belief, that the dissolution of the Confederacy will be accelerated by the spirit which now actuates both political parties. I am, &c. A. B.

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No. 4.

WINDSOR, (Vt.), Feb. 19, 1809.

SIR: My last (No. 3) was written at Burlington,



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the principal town in the northern part of the State of Vermont. I am now at the principal town in the eastern section.

The fallacy of men's opinions, when they act under the influence of sensibility, and are strongly excited by those hopes which always animate a rising party, led me to doubt the correctness of the opinions which I received in the northern section of this State; which from its contiguity to Canada and necessary intercourse with Montreal, has a stronger interest in promoting a good understanding with His Majesty's Government. Therefore, since my departure from Burlington, I have sought every favorable occasion of conversing with the Democrats on the probable result of the policy adopted by the General Government. The difference of opinion is thus expressed. The Federal party declare that, in the event of a war, the State of Vermont will treat separately for itself with Great Britain; and support to the utmost the stipulations into which it may enter, without any regard to the policy of the General Government. The Democrats, on the other hand, assert, that in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the Government, if it could be done without involving the people in a civil war, but, at all events, would risk every thing in preference to a coalition with Great Britain. This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont are not operated upon by the same hopes and fears as those on the borders of the British colony. They are not dependent on Montreal for the sale of their produce nor the supply of foreign commodities. They are not apprehensive of any serious dangers or inconvenience from a state of war; and although they admit that the Governor, Council, and three-fourths of the representation in Congress are of the Federal party, yet they do not believe that the State would stand alone and resist the National Government. They do not, however, deny that, should the State of Vermont continue to be represented as it is at present, it would in all probability unite with the neighboring States in any serious plan of resistance to a war which it might seem expedient to adopt. This, I think, is the safer opinion for you to rely on; if, indeed, reliance ought to be placed on any measure depending upon the will of the rabble, which is ever changing, and must ever be marked with ignorance, caprice, and inconsistency. As the crisis approaches, the difficulty of deciding upon a hazardous alternative will increase; and, unfortunately, there is not in Vermont any man of commanding talents capable of attracting general confidence, of infusing into the people his own spirit; and, amidst the confusion of conflicting opinions, dangers, and commotion, competent to lead in the path of duty or safety. The Governor is an industrious, prudent man, and has more personal influence than any other; but his abilities are not suited to the situation in which a civil war would place him. I am, &c. A. B.

No. 5.

AMHERST, (N. H.,) Feb. 23, 1809.

SIR: A gentleman going direct to Canada affords a safe and favorable opportunity of giving you some further account of my progress.

I will not make use of the post offices when I can avoid it, because private occasions supersede the necessity of writing in cipher; and the contempt of

decency and principles, which forms part of the morals of the subaltern officers of a democracy, would incline them to break a seal with the same indifference that they break their words, when either curiosity or interest is to be indulged.

I have not had sufficient time nor evidence to enable me to form any opinion for myself, of the lengths to which the Federal party will carry their opposition to the National Government in the event of a war; which may be inferred from the result of the election of Governors which, within two months, will be made in the States of Massachusetts, New Hampshire, and Rhode Island. From all I know, and all I can learn of the General Government, I am not apprehensive of an immediate war. The embargo is the favorite measure; and it is probable that other means will be employed to excite England to commit some act of hostility, for the sole purpose of placing the responsibility of war on that country. This I most particularly recommend to the consideration of ministers. The dread of opposition, and of the loss of popularity, will certainly keep the ruling party at Washington inactive. They will risk any thing but the loss of power; and they are well aware, that their power would pass away with the first calamity which their measures might bring upon the common people, from whom that power emanates, unless, indeed, they could find a sufficient excuse in the conduct of Great Britain. This impression cannot be too deeply felt by His Majesty's Ministers; nor too widely spread throughout the British nation. It will furnish a sure guide in every policy that may be adopted toward the United States.

I have the honor to be, &amp;c.

A. B.

No. 6.

Boston, March 5, 1809.

SIR: I am favored with another opportunity of writing to you by a private conveyance; and think it probable, at this season, that the frequency of these will render it unnecessary to write to you in cipher.

It does not yet appear necessary that I should discover to any person the purpose of my visit to Boston; nor is it probable that I shall be compelled, for the sake of gaining more knowledge of the arrangements of the Federal party in these States, to avow myself as a regular authorized agent of the British Government, even to those individuals who would feel equally bound with myself to preserve, with the utmost inscrutability, so important a secret from the public eye. I have sufficient means of information to enable me to judge of the proper period for offering the co-operation of Great Britain, and opening a correspondence between the Governor General of British America, and those individuals who, from the part they take in the opposition to the National Government, or the influence they may possess in any new order of things that may grow out of the present differences, should be qualified to act on behalf of the Northern States. An apprehension of any such state of things as is pre-supposed by these remarks, begins to subside, since it has appeared, by the conduct of the General Government, that it is seriously alarmed at the menacing attitude of the Northern States. But, although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedients to bring about hostilities. What these may be, can only be deduced from what appears to be practicable. A non-intercourse with

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England and France will probably supersede the embargo; which, by opening with the rest of Europe a partial, legitimate commerce, and offering strong temptations to that which is illegal, will expose the vessels to capture, detention, and embarrassment; will justify the present policy, and produce such a degree of irritation and resentment as will enable the Government of this country to throw the whole blame and responsibility of war from its own shoulders upon those of the British Ministry. If, in this, the party attached to France should calculate with correctness, and the commerce of New England should greatly suffer, the merchants, being injured and discouraged, would not only acquiesce in the restrictive system, but even submit to war. On the other hand, should the small traffic, permitted by a non-intercourse law, be lucrative and uninterrupted, the people would be clamorous for more, and soon compel the Government to restore the friendly relations between the two countries.

While I offer my opinion upon this subject, I cannot but express a strong hope that, if any terms should be proposed by either Government, to which the other might think proper to accede, that a principal motive to the adjustment of differences should be understood to arise from the amicable disposition of the Eastern States, particularly of the State of Massachusetts. This, as it would increase the popularity of the friends of Great Britain, could not fail to promote her interests. If it could not be done formally and officially, nor in a correspondence between Ministers, still, perhaps, the administration in the Parliament of Great Britain might take that ground, and the suggestion would find its way into the papers both in England and America.

It cannot be too frequently repeated, that this country can only be governed and directed by the influence of opinion, as there is nothing permanent in its political institutions; nor are the populace, under any circumstances, to be relied on, when measures become inconvenient and burdensome. I will soon write again, and am yours, &c.

A. B.

(In cipher.)

No. 7.

Boston, March 7, 1809.

SIR: I have now ascertained, with as much accuracy as possible, the course intended to be pursued by the party in Massachusetts that is opposed to the measures and politics of the Administration of the General Government.

I have already given a decided opinion that a declaration of war is not to be expected; but, contrary to all reasonable calculation, should the Congress possess spirit and independence enough to place their popularity in jeopardy by so strong a measure, the Legislature of Massachusetts will give the tone to the neighboring States, will declare itself permanent until a new election of members, invite a Congress, to be composed of delegates from the Federal States, and erect a separate government for their common defence and common interest. This Congress would probably begin by abrogating the offensive laws, and adopting a plan for the maintenance of the power and authority thus assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain; and I should seize the first moment to open a correspondence with your Excellency. Scarcely any other aid would be necessary, and perhaps none required, than a few vessels of war from the Halifax station, to protect the maritime towns from the little navy which is at the disposal of the

National Government. What permanent connection between Great Britain and this section of the Republic would grow out of a civil commotion, such as might be expected, no person is prepared to describe; but it seems that a strict alliance must result of necessity. At present the opposition party confine their calculations merely to resistance; and I can assure you that, at this moment, they do not freely entertain the project of withdrawing the Eastern States from the Union, finding it a very unpopular topic; although a course of events, such as I have already mentioned, would inevitably produce an incurable alienation of the New England from the Southern States.

The truth is, the common people have so long regarded the Constitution of the United States with complacency, that they are now only disposed in this quarter to treat it like a truant mistress, whom they would, for a time, put away on a separate maintenance, but, without further and greater provocation, would not absolutely repudiate.

It will soon be known in what situation public affairs are to remain until the meeting of the New Congress in May, at which time, also, this Legislature will again assemble. The two months that intervene will be a period of much anxiety.

In all I have written I have been careful not to make any impression analogous to the enthusiastic confidence entertained by the opposition, nor to the hopes and expectations that animate the friends of an alliance between the Northern States and Great Britain.

I have abstracted myself from all the sympathies these are calculated to inspire; because, notwithstanding that I feel the utmost confidence in the integrity of intention of the leading characters in this political drama, I cannot forget that they derive their power from a giddy, inconstant multitude; who, unless in the instance under consideration they form an exception to all general rules and experience, will act inconsistently and absurdly. I am yours, &c.

A. B.

No. 8.

Boston, March 9, 1809.

SIR: In my letter No. 6, I took the liberty to express my opinion of the probable effect of the non-intercourse law, intended to be enacted; and of the mode by which Great Britain may defeat the real intention of the American Government in passing it. But as this sort of impunity recommended might, in its application to every species of commerce that would be carried on, be deemed by Great Britain a greater evil than war itself, a middle course might easily be adopted, which would deprive France of the benefits resulting from an intercourse with America, without, in any great degree, irritating the maritime States.

The high price of all American produce in France furnishes a temptation which mercantile avarice will be unable to resist. The consequence is obvious. But if, instead of condemning the vessels and cargoes which may be arrested in pursuing this prohibited commerce, they should be compelled to go into a British port, and there permitted to sell them, I think the friends of England in these States would not utter a complaint. Indeed, I have no doubt that if, in the prosecution of a lawful voyage, the British cruisers should treat the American ships in this manner, their owners would, in the present state of

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the European markets, think themselves very fortunate, as it would save them the trouble and expense of landing them in a neutral port, and from thence reshipping them to England, now the best market in Europe for the produce of this country. The Government of the United States would probably complain, and Bonaparte become peremptory; but even that would only tend to render the opposition in the Northern States more resolute, and accelerate the dissolution of the confederacy. The generosity and justice of Great Britain would be extolled; and the commercial States exult in the success of individuals over a Government inimical to commerce, and to whose measures they can no longer submit with patient acquiescence. The elections are begun; and I presume no vigilance or industry will be remitted to insure the success of the Federal party. I am, &c.

A. B.

P. S. Intelligence has reached Boston that a non-intercourse law has actually passed, and that Martinique has surrendered to British forces.

No. 9.

Boston, March 18, 1809.

SIR: You will perceive, from the accounts that will reach you in the public papers, both from Washington and Massachusetts, that the Federalists of the Northern States have succeeded in making the Congress believe that, with such an opposition as they would make to the General Government, a war must be confined to their own territory, and might be even too much for that Government to sustain. The consequence is, that, after all the parade and menaces with which the session commenced, it has been suffered to end without carrying into effect any of the plans of the Administration, except the interdiction of commercial intercourse with England and France, an event that was anticipated in my former letters.

Under what new circumstances the Congress will meet in May, will depend on the State elections and the changes that may in the mean time take place in Europe. With regard to Great Britain, she can scarcely mistake her true policy in relation to America. If peace be the first object, every act which can irritate the maritime States ought to be avoided, because the prevailing disposition of these will generally be sufficient to keep the Government from hazarding any hostile measures. If a war between America and France be the grand desideratum, something more must be done; an indulgent and conciliatory policy must be adopted, which will leave the Democrats without a pretext for hostilities; and Bonaparte, whose passions are too hot for delay, will probably compel this Government to decide which of the two great belligerents is to be its enemy. To bring about a separation of the States, under distinct and independent governments, is an affair of more uncertainty, and, however desirable, cannot be effected but by a series of acts and a long-continued policy tending to irritate the Southern and conciliate the Northern people. The former are agricultural, the latter a commercial people. The mode of cherishing and depressing either is too obvious to require illustration. This, I am aware, is an object of much interest in Great Britain, as it would forever secure the integrity of His Majesty's possessions on this continent, and make the two Governments, or whatever number the present confederacy might form into, as useful and as much subject to the influence of Great Britain as her Colonies can be rendered.

But it is an object only to be attained by slow and circumspect progression, and requires, for its consummation, more attention to the affairs which agitate and excite parties in this country than Great Britain has yet bestowed upon it.

An unpopular war, that is, a war produced by the hatred and prejudice of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.

At all events, it cannot be necessary to the preservation of peace that Great Britain should make any great concession at the present moment, more especially, as the more important changes that occur in Europe might render it inconvenient for her to adhere to any stipulations in favor of neutral maritime nations.

Although the non-intercourse law affords but a very partial relief to the people of this country from the evils of that entire suspension of commerce to which they have reluctantly submitted for some time past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these States towards a revolution that would have put an end to the only Republic that remains to prove that a Government founded on political equality can exist in a season of trial and difficulty, or is calculated to insure either security or happiness to a people. I am, &c.

A. B.

No. 10.

Boston, March 29, 1809.

SIR: Since my letter of the 13th, nothing has occurred which I thought worthy of a communication.

The last weeks of this month, and the first of April, will be occupied in the election of Governors and other executive officers in the New England States.

The Federal candidate in New Hampshire is already elected by a majority of about one thousand votes. His competitor was a man of large fortune, extensive connections, and inoffensive manners. These account for the smallness of the majority.

In Connecticut no change is necessary, and none is to be apprehended.

In Rhode Island it is of no consequence of what party the Governor is a member, as he has neither civil nor military power, being merely President of the Council.

In Massachusetts it is certain that the Federal candidate will succeed.

A few weeks will be sufficient in order to determine the relative strength of parties, and convince Mr. Madison that a war with Great Britain is not a measure upon which he dare venture. Since the plan of an organized opposition to the projects of Mr. Jefferson was put into operation, the whole of the New England States have transferred their political power to his political enemies; and the reason that he has still so many adherents is, that those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence that nothing can force him (or his successor, who acts up to his system, or rather is governed by it) to consent to war. They consider all the menaces and "dreadful note of preparation" to be a mere finesse, intended only to obtain concessions from England on cheap terms. From every sort of evidence, I confess I am myself of the same opinion, and am fully persuaded that this farce, which has been

acting at Washington, will terminate in a full proof of imbecility and spiritless temper of the actors. A war attempted without the concurrence of both parties, and the general consent of the Northern States, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace. It should, therefore, be the peculiar care of Great Britain to foster divisions between the North and South, and, by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the Democrats of this country. I am, &c. A. B.

## No. 11.

Boston, April 18, 1809.

SIR: I send to Mr. R.— a pamphlet entitled "Suppressed Documents." The notes and comments were written by the gentleman who has written the analysis which I sent by a former conveyance. These works have greatly contributed to excite the fears of the men of talents and property, who now prefer the chance of maintaining their party by open resistance and a final separation, to an alliance with France and a war with England; so that, should the Government unexpectedly, and contrary to all reasonable calculation, attempt to involve the country in a measure of that nature, I am convinced (now that the elections have all terminated favorably) that none of the New England States would be a party in it. But, as I have repeatedly written, the General Government does not seriously entertain any such desire or intention. Had the majority in the New England States continued to approve of the public measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect is changed, and a war would produce an incurable alienation of the Eastern States, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial States should carry, and the agricultural States export, their surplus produce. All this is as well known to the Democrats as to the other party; therefore, they will avoid a war, at least until the whole nation is unanimous for it. Still, when we consider of what materials the Government is formed, it is impossible to speak with any certainty of their measures. The past Administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness, and duplicity. The spell by which the nations of Europe have been rendered inert and inefficient, when they attempted to shake it off, has stretched its shadows across the Atlantic, and made a majority of the people of these States alike blind to duty and to their true interests. I am, &c. A. B.

## No. 12.

Boston, April 26, 1809.

SIR: Since my letter No. 11, I have had but little to communicate.

I have not yet been able to ascertain, with sufficient accuracy, the relative strength of the two parties in the legislative bodies in New England.

In all these States, however, Governors have been elected out of the Federal party, and even the Southern papers indicate an unexpected augmentation of Federal members in the next Congress.

The correspondence between Mr. Erskine and the Secretary of State at Washington you will have seen

before this can reach you. It has given much satisfaction to the Federal party here, because it promises an exemption from the evil most feared, (a war with England,) and justifies their partiality towards Great Britain, which they maintain was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the Democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson.

But the great benefit that will probably result from it will be, that Bonaparte may be induced to force this country from her neutral position. • Baffled in his attempts to exclude from the continent the manufactures of Great Britain, he will most likely confiscate all American property in his dominions and dependencies, and declare war. Nothing could more than this contribute to give influence and stability to the British party. The vicious occurrences of the rebellion would be forgotten in the resentment of the people against France, and they would soon be weaned from that attachment to her which is founded on the aid that was rendered to separate from the mother country. While Great Britain waits for this natural, I might say necessary, result of the negotiation, would it not be extremely inexpedient to conclude a treaty with the American Government? Every sort of evidence and experience prove that the Democrats consider their political ascendancy in a great measure dependent on the hostile spirit that they can keep alive towards Great Britain, and recent events demonstrate that their conduct will be predicated upon that conviction; it is, therefore, not to be expected that they will meet, with corresponding feelings, a sincere disposition on the part of England to adjust all matters in dispute. They are at heart mortified and disappointed to find that Great Britain has been in advance of the French Government, in taking advantage of the provisional clauses of the non-intercourse law; and if they show any spirit at the next session of Congress towards France, it will be only because they will find Bonaparte deaf to entreaty and insensible of past favors; or that they may think it safer to float with the tide of public feeling, which will set strongly against him unless he keep *pari passu* with England in a conciliatory policy. I am, &c. A. B.

## No. 18.

Boston, May 5, 1809.

SIR: Although the recent changes that have occurred quiet all apprehension of war, and, consequently, lessen all hope of a separation of the States, I think it necessary to transmit by the mail of each week a sketch of passing events.

On local politics I have nothing to add; and as the parade that is made in the National Intelligencer of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence, I shall (having nothing more important to write about) take leave to examine his motives.

I am not surprised at his conditional removal of the non-intercourse law, with respect to Great Britain, because it was made incumbent on him by the act of Congress; but the observations made on his friendly disposition towards Great Britain is a matter of no little astonishment. The whole tenor of his political life directly and unequivocally contradicts them. His speech on the British Treaty in 1796; his attempt to pass a law for the confiscation of

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"British debts" and British property; his commercial resolutions, grounded apparently on an idea of making America useful as a colony to France; his conduct while Secretary of State; all form an assemblage of probabilities tending to convince me, at least, that he does not seriously desire a treaty in which the rights and pretensions of Great Britain would be fairly recognized. It seems impossible that he should at once divest himself of his habitual animosity, and that pride of opinion which his present situation enables him to indulge; but, above all, that he should deprive his friends and supporters of the benefit of those prejudices which have been carefully fostered in the minds of the common people towards England, and which have so materially contributed to invigorate and augment the Democratic party. Whatever his real motives may be, it is, in this stage of the affair, harmless enough to inquire into the cause of the apparent change. He probably acts under a conviction that, in the present temper of the Eastern States, a war could not fail to produce a dissolution of the Union; or he may have profited by the mistakes of his predecessor, and is inclined to seize the present opportunity to prove to the world that he is determined to be the President of a nation, rather than the head of a faction; or he has probably gone thus far to remove the impression on the minds of many that he was under the influence of France, in order that he may, with a better grace, and on more tenable grounds, quarrel with Great Britain in the progress of negotiating a treaty. Whatever his motives may be, I am very certain his party will not support him in any manly and generous policy. Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is in action. This is the character of the Democrats in the Northern States. Of those of the South I know but little. I am, &c. A. B.

No. 14.

Boston, May 25, 1809.

SIR: My last was under date of the 5th instant. The unexpected change that has taken place in the feelings of political men in this country, in consequence of Mr. Madison's prompt acceptance of the friendly proposals of Great Britain, has caused a temporary suspension of the conflict of parties; and they both regard him with equal wonder and distrust. They all ascribe his conduct to various motives, but none believe him to be in earnest.

The State of New York has returned to the Assembly a majority of Federal members. All this proves that an anti-commercial faction cannot rule the Northern States. Two months ago the State of New York was not ranked among the States that would adopt the policy of that of Massachusetts; and any favorable change was extremely problematical.

I beg leave to suggest that, in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by His Majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission. While I think it to be my duty to give this intimation to you, I beg it may be understood that I consider myself entirely at the disposal of His Majesty's Government. I am, &c. A. B.

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No. 15.

MONTREAL, June 12, 1809.

SIR: I have the honor to inform your Excellency that I received, through Mr. Secretary Ryland, your Excellency's commands to return to Canada; and after the delay incident to this season of the year, in a journey from Boston, arrived here yesterday.

Your Excellency will have seen, by the papers of the latest dates from the United States, that a formidable opposition is already organized in Congress to the late measures of Mr. Madison; and it is very evident that if he be sincere in his professions of attachment to Great Britain, his party will abandon him. Sixty-one members have already voted against a resolution to approve of what he has done; and I have no doubt the rest of the Democratic party will follow the example as soon as they recover from the astonishment into which his apparent defection has thrown them.

The present hopes of the Federalists are founded on the probability of a war with France; but, at all events, this party is strong and well organized enough to prevent a war with England.

It would be now superfluous to trouble your Excellency with an account of the nature and extent of the arrangements made by the Federal party to resist any attempt of the Government unfavorable to Great Britain. They were such as do great credit to their ability and principles; and, while a judicious policy is observed by Great Britain, secure her interests in America from decay. My fear of inducing a false security on the part of His Majesty's Government in their efficiency and eventual success, may have inclined me to refrain from doing them that justice in my former letters which I willingly take the present occasion to express.

I trust your Excellency will ascribe the style and manner of my communications, and the frequent ambiguities introduced in them, as arising from the secrecy necessary to be observed, and my consciousness that you understand my meaning, on the most delicate points, without risking a particular explanation.

I lament that no occasion commensurate to my wishes has permitted me to prove how much I value the confidence of your Excellency, and the approbation already expressed by His Majesty's Minister. I have the honor to be, &c. J. H.

I certify that the foregoing letters are the same referred to in the letter of H. W. Ryland, Esq., dated May 1, 1809, relating to the mission in which I was employed by Sir James Craig, by his letter of instructions, bearing date February 6, 1809.

JOHN HENRY.

*Mr. Ryland to Mr. Henry.*

QUEBEC, May 1, 1809.

MY DEAR SIR: The news we have received this day from the States will, I imagine, soon bring you back to us; and if you arrive at Montreal by the middle of June, I shall probably have the pleasure of meeting you there, as I am going up with Sir James and a large suite. The last letters received from you are to the 18th April. The whole are now transcribing, for the purpose of being sent home, where they cannot fail of doing you great credit, and I most certainly hope they may eventually contribute to your permanent advantage. It is not necessary to repeat the assurance that no effort with-

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in the compass of my power shall be wanting to this end.

I am cruelly out of spirits at the idea of old England truckling to such a debased and accursed Government as that of the United States.

I am greatly obliged to you for the trouble you have taken in procuring the books, though, if Spain falls, I shall scarcely have heart to look into them. I can add no more, but that I am, most heartily and affectionately, yours,

H. W. R.

J. HENRY, Esq., Boston.

*Mr. Ryland to Mr. Henry.*

MAY 4, 1809.

MY DEAR SIR: You must consider the short letter I wrote to you by the last post as altogether unofficial; but I am now to intimate to you, in a more formal manner, our hope of your speedy return, as the object of your journey seems, for the present at least, to be at an end.

We have London news, by the way of the river, up to the 6th of March, which tallies to a day with what we have received by the way of the States.

Heartily wishing you a safe and speedy journey back to us, I am, my dear sir, most sincerely, yours,

H. W. R.

Have the goodness to bring my books with you, though I shall have little spirit to look into them, unless you bring good news from Spain.

JOHN HENRY, Esq.

*Mr. Henry to Mr. Peel.*

JUNE 13, 1811.

SIR: I take the liberty to enclose to you a memorial addressed to the Earl of Liverpool, and beg you will have the goodness either to examine the documents in your office, or those in my own possession, touching the extent and legitimacy of my claim.

Mr. Ryland, the Secretary of Sir J. Craig, is now in London, and, from his official knowledge of the transactions and facts alluded to in the memorial, can give any information required on that subject. I have the honor to be, &c.

J. H.

*Memorial of Mr. Henry to Lord Liverpool.*

The undersigned most respectfully submits the following statement and memorial to the Earl of Liverpool:

Long before and during the administration of your Lordship's predecessor, the undersigned bestowed much personal attention to the state of parties, and to the political measures in the United States of America.

Soon after the affair of the Chesapeake frigate, when His Majesty's Governor General of British America had reason to believe that the two countries would be involved in a war, and had submitted to His Majesty's Ministers the arrangements of the English party in the United States for an efficient resistance to the General Government, which would probably terminate in a separation of the Northern States from the General Confederacy, he applied to the undersigned to undertake a mission to Boston, where the whole concerns of the opposition were managed. The object of the mission was to promote

and encourage the Federal party to resist the measures of the General Government, to offer assurances of aid and support from His Majesty's Government of Canada, and to open a communication between the leading men engaged in that opposition and the Governor General, upon such a footing as circumstances might suggest; and, finally, to render the plans then in contemplation subservient to the views of His Majesty's Government.

The undersigned undertook the mission, which lasted from the month of January to the month of June, inclusive, during which period those public acts and legislative resolutions of the Assemblies of Massachusetts and Connecticut were passed which kept the General Government of the United States in check, and deterred it from carrying into execution the measures of hostility with which Great Britain was menaced.

For his services on the occasions herein recited, and the loss of time and expenses incurred, the undersigned neither sought nor received any compensation, but trusted to the known justice and liberality of His Majesty's Government for the reward of services which could not, he humbly conceives, be estimated in pounds, shillings, and pence. On the patronage and support which was promised in the letter of Sir J. Craig, under date of the 26th January, 1809, (wherein he gives an assurance "that the former correspondence and political information transmitted by the undersigned had met with the particular approbation of His Majesty's Secretary of State; and that his execution of the mission, proposed to be undertaken in that letter, would give him a claim not only on the Governor General, but on His Majesty's Ministers,") the undersigned has relied, and now most respectfully claims, in whatever mode the Earl of Liverpool may be pleased to adopt.

The undersigned most respectfully takes this occasion to state that Sir J. Craig promised him an employment in Canada, worth upwards of one thousand pounds a year, by his letter, herewith transmitted, under date of September 13, 1809, which he has just learned has, in consequence of his absence, been given to another person. The undersigned abstains from commenting on this transaction, and most respectfully suggests that the appointment of Judge Advocate General of the province of Lower Canada, with a salary of five hundred pounds a year, or a Consulate in the United States, *sine curia*, would be considered by him as a liberal discharge of any obligation that His Majesty's Government may entertain in relation to his services.

*Mr. Peel, Secretary to Lord Liverpool, to Mr. Henry*  
DOWNING STREET, June 28, 1811.

SIR: I have not failed to lay before the Earl of Liverpool the memorial, together with several enclosures, which was delivered to me a few days since by General Loft, at your desire.

His Lordship has directed me to acquaint you that he has referred to the correspondence in this office of the year 1809, and finds two letters from Sir James Craig, dated 10th April and 5th May, transmitting the correspondence that has passed during your residence in the Northern States of America, and expressing his confidence in your ability and judgment, but Lord Liverpool has not discovered any wish on the part of Sir James Craig that your claims for compensation should be referred to this country, nor

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indeed is allusion made to any kind of arrangement or agreement that had been made by that officer with you.

Under these circumstances, and had not Sir James Craig determined on his immediate return to England, it would have been Lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission undertaken at his desire. Lord Liverpool will, however, transmit it to Sir James Craig's successor in the Government, with an assurance that, from the recommendations he has received in your favor, and the opinion he has formed on your correspondence, he is convinced the public service will be benefited by your active employment in a public situation.

Lord Liverpool will also feel himself bound to give the same assurance to the Marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his Lordship.

I am, sir, your most obedient humble servant,  
ROBERT PEEI.

J. HENRY, Esq., No. 27 Leicester Square.

*Mr. Ryland to Mr. Henry.*

TUESDAY EVENING, July 2, 1811.

MY DEAR HENRY: It gives me real pleasure to find that the apprehension I had formed with respect to the fulfilment of your expectations is likely to prove erroneous. As every thing which passed, relative to your mission, was in writing, I think you will do well by submitting to Mr. Peel all the original papers. I myself could give no other information relative to the subject, than what they contain, as you and I had no opportunity of any verbal communication respecting it till after your mission terminated, and I never wrote you a letter in the Governor's name which had not previously been submitted to his correction.

The impression I had received of your character and abilities made me anxious to serve you even before I had the pleasure of a personal acquaintance with you, and the same desire has operated on me ever since; I am, therefore, entitled to hope that any opinion which I may have given you, as to your best mode of obtaining an employment under Government, will be received with the same candor that gave rise to it. I think you will do well to persevere, as you propose. I have no doubt that every letter from you, which Sir James sent home, will be found in Mr. Peel's office, as the established practice there is to bind the despatches and enclosures yearly up together.

H. W. RYLAND.

JOHN HENRY, Esq., &c.

*Mr. Henry to Mr. Peel.*

27, LEICESTER SQUARE, LONDON,  
September 4, 1811.

SIR: I have just learned the ultimate decision of my Lord Wellesley, relative to the appointment which I was desirous to obtain; and find that the subsisting relations between the two countries forbid the creating a new office in the United States, such as I was solicitous to obtain. In this state of things I have not a moment to lose in returning to Canada; and have taken my passage in the last and only ship that sails

for Quebec this season. As I have not time to enter (*de novo*) into explanations with the gentleman who is in your office, and as I have received the assurances from you, in addition to the letter from my Lord Liverpool, of the 27th June, that "his Lordship would recommend me to the Governor of Canada for the first vacant situation that I would accept," I beg the favor of you to advise me how I am to get that recommendation without loss of time. I have the honor to be, &c.

J. HENRY.

ROBERT PEEI, Esq., &c.

*Despatch of Lord Liverpool to Sir George Prevost.*

DOWNING STREET, Sept. 16, 1811.

SIR: Mr. Henry, who will have the honor of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the public service might derive from his active employment in any public situation in which you should think proper to place him.

I am, sir, your most obedient, humble servant,  
LIVERPOOL.

TO SIR GEORGE PREVOST, *Baronet, &c.*

[The following is the report of the Secretary of State, communicated to the Senate by the Message of the 12th March, 1812.]

DEPARTMENT OF STATE, March 12, 1812.

The Secretary of State, to whom was referred the resolution of the Senate of the 10th instant, has the honor to report: That this department is not in possession of any names of persons in the United States who have, in any way or manner whatever, entered into, or countenanced the project or the views for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig; the said John Henry having named no person or persons as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted,

JAMES MONROE.

The Message and documents having been read, Mr. RHEA made a motion to print them.

Mr. PITKIN said that he had no objection to the papers being printed, but that he rose to protest against the sentiments attributed in these papers to the Federal party, being considered as those of the citizens of the State which he had the honor to represent. He trusted it would not be believed that they had any knowledge of any mission of this kind from Canada, or from any other quarter.

It was the first time that he had heard that the opposition to the embargo in the States of Vermont or Massachusetts had any connection with the British Government, or with any project of a separation of the Union in any manner,

much less under the agency of a British spy. So far as he could understand the papers from the first reading, Mr. P. said they did not intimate that any disclosure had been made to any individual of the United States by Mr. Henry of the object of his mission, or that his scheme had been advocated or supported by any one. And I trust no gentleman will take the character of the parties in any section of this country, from a man who it seems has proved a traitor to his own Government. So far as the statements made in these papers may be considered as involving the party in concert with the Federal party, in any scheme of co-operation with the British Government in dividing the Union, it is one of the grossest libels that ever was uttered. Nor do I feel willing to take the character of the people of this country from the mouth of this man. He does not stop at debasing the character of the people of this country, but he utters a libel against all parties and against the Government itself. He states that in the extra session of Congress in May, 1809, there were sixty-one votes against Mr. Madison, in consequence of his arrangement with Mr. Erskine; when we all know that the vote on the resolution approving of the President's conduct in that affair was no criterion by which to judge. While, therefore, gentlemen will not, as I presume they will not, place any confidence in the statements made by this man against themselves, and against those whom he styles Democrats, I trust they will be equally incredulous as to any statements he has made against those he has called Federalists, with respect to their co-operation with the British Government in dividing the Union. More especially as they come from one who, disappointed at not receiving the promised reward from his Government, has turned traitor to his employers.

Mr. BISS said he agreed with the gentleman who just sat down on one point, that a full investigation ought to be had. It was due to the Congress, to our connections with Great Britain, that an inquiry should be made into the transaction now exposed to view; and, in addition to the motion for printing, he should move a reference of the Message to the Committee of Foreign Relations.

Mr. GHOLSON said it was a source of gratification to him, that, so far as the papers communicated by the President could be considered evidence at all, they were certainly highly honorable testimony in favor of the Eastern section of the Union. An emissary of great talents had been employed by the British in a nefarious scheme to dismember the United States, and to engender treason in the very bosom of our country: and yet, Mr. G. said, it does not seem that this spy has been able to connect with himself any citizen of the United States. If he had held correspondence with any persons of distinction, the presumption is their names would have been disclosed in the papers that have been read. Mr. G. was happy in cherishing the belief that the liberties of this country would

always find a sufficient guarantee against machinations of this sort, in the patriotism of every portion of the Union. This communication, for which the House was indebted to the President, was highly interesting and important in one point of view. It demonstrated, as matter of fact, what had heretofore remained only speculation and conjecture, that the British Government has long meditated the separation of these States; and what is more, that they have actually attempted the execution of this wicked design, and have endeavored to convert our own citizens into traitors! He would say no more.

Mr. QUINCY said he was much obliged to the gentleman last up for the view which he had taken of the subject. It had struck him previously with much force, and he meant to have taken the floor to have expressed it. If ever there had existed in the British Government, or any other Government, an idea that there was a party in this country who would associate with it to dissolve this Union, he thanked God that the project was exposed. If it was true, as these papers stated, that this man had been so employed, he thanked God that the mission had been detected. The Administration, in bringing the subject before the House, had done worthily, and the subject ought to be inquired into. What is the fact, admitting all that this person has said to be true? Why, that an agent from the British Government, under circumstances peculiarly auspicious and suitable to his purpose, goes to the spot which he represents as the hotbed of opposition, to stir up disunion, and his papers do not contain an intimation that he dared to mention such an idea as that of a dissolution of the Union to any individual. No, sir; and I dare to say that he never did mention such a thing to any distinguished individual. As far as I know the sentiments of gentlemen in that quarter, they hold this Union dear, and look upon such a connection as is supposed in these papers with as much abhorrence as any man, however attached he may be to the administration of the Government. Whenever a dismemberment of the Union has been talked of, it has been with awe, and with a fear that the present course of public measures would lead to such an event, and not with a view to bring it about. Sir, I know that other ideas have been spread over the country for the purpose of serving party views. But here, in this temple of our liberties, let us reason with one another according to the evidence before us. I rejoice that the subject has been brought forward, and that an agent so peculiarly adapted to the business in which he was employed has not been able to furnish any evidence of even the connivance of any individual at his mission.

Mr. WRIGHT said that such an extraordinary communication as that just received from the President, reflecting so much on various sections and parties of the Union, required serious consideration before they consented to publish



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such gross abuse of every portion of our people. Gentlemen should reflect that this very disclosure might be one of the means used by this miscreant to divide this country. If he wished to promote division, how could he better attain his object than by denouncing the people of a particular section? Who is this man, and where is he? is an inquiry that ought to be made. I am not one of those who would, without inquiry, take the words of a spy, traitor, and villain, as truth. It might be well to print a sufficient number for the House, but no more until they knew more about it. However gentlemen in the Eastern States might have been dissatisfied at particular measures, the embargo law for instance, their opposition to them had arisen from their operation on their particular interests, and not that they had any disposition to sever themselves from the Union. This business had been very correctly communicated by the Executive to Congress; but they ought to act on it with temper, prudence, and coolness. Mr. W. protested against considering any such disposition as it attributed to a certain party to exist, particularly in the spot which has been frequently and emphatically styled the cradle of the Revolution. He could not feel the same disposition which some appeared to do, to give consequence to this affair.

Mr. TROUP did not consider these papers as involving the character of any portion of our people. They appeared to him to be calculated merely to put the people on their guard against foreign emissaries or agents employed for the purpose of effecting a dismemberment of this Union. As to the opinions this person expresses of parties, &c., they are merely the individual speculations of this man, and cannot have much weight. But the documents have a most important bearing. They establish the fact that a foreign Government, on the eve of hostility with us, has for some time past employed an agent to foment divisions among us; and another fact, which, considered in connection with other circumstances, is of great importance. They show the deep-rooted hostility of this foreign power to our Republican Government and liberties—a hostility which could stop at nothing short of a dismemberment of the country. After the affair of the Wabash, when it was said that the Indians had been instigated by the same enemy to hostilities against us, the British Minister's cholera rose; he denied the whole. He avails himself of suggestions in public prints to deny their statements; to state that so far from a disposition to stir up the Indians against us, the contrary was the fact; that, indeed, Sir James Craig has been intent on diverting Indian hostilities. Sir, may we not reasonably believe him to have fomented Indian hostilities in one part of the country, while in another he was promoting disunion in the body of the people? These, sir, are the only facts disclosed of importance; the only facts which would justify the publication of more than the ordinary number of copies.

Mr. FISK said that the remarks which had been made by gentlemen, induced him to ask the indulgence of the House, to give some information and make a few observations relative to the subject now under consideration. This Mr. Henry was an Englishman, but had long resided in this country; so long that he had obtained a captaincy in the army raised in the year 1798; he was a man of gentlemanly deportment, and reputed good moral character; that he (Mr. Fisk) and his colleague (Mr. STRONG) well remembered when he passed through Burlington, in the Spring of the year 1808, and that his object was at that time much suspected to have been what he now states; but as a politician, he was thought by the Republicans to have been a firm believer in the British maxim, "that the end sanctifies the means;" and the Federal party enjoyed the full benefits of his principles and labors while he lived in Vermont. Sir, gentlemen say that he is a traitor, a spy, and, therefore, what he here relates is not entitled to credit. However dishonorable a transaction like this may be deemed by our Government, whose motives and conduct are directed and squared by the principles of morality and justice, yet, I believe, it is not thought so very disgraceful in the British Government, as to be beneath her first characters to undertake. Sir, was the mission to Copenhagen to destroy that city, murder the innocent inhabitants, and to rob the Danes of their fleet, a more honorable one than this? Certainly not. And yet, sir, the famous Mr. Jackson, who went on that mission was considered worthy of being a Minister to this country, where he was caressed and highly esteemed by some; and performed both missions much to the satisfaction of his master. Why, sir, can gentlemen seriously doubt the truth of the facts stated by this Mr. Henry, when they have it from the highest authority, that the former British Minister, Mr. Erskine, while here, at this very time, was in the same business this Henry was sent to perform? In a letter written by that Minister to this Government, and published by its order, he tells them:

"I have endeavored, by the most strict and diligent inquiries into the views and strength of the Federal party, to ascertain to what extent they would be willing and able to resist the measures of the party in power, and how far they could carry the opinions of this country along with them in their attempts to remove the embargo, without recurring to hostilities against both Great Britain and France."

And again, he tells them in his letter of the 15th February, 1809, when speaking of the divisions which then agitated this country, and the opposition made to the laws by the people of the Eastern States:

"The ultimate consequences of such differences and jealousies, arising between the Eastern and Southern States, would inevitably tend to a dissolution of the Union, which has been for some time talked of, and has of late, as I have heard, been seriously con-

templated by many of the leading people in the eastern division."

Now, sir, when the British Minister was on this business, by order of his Government, is it extraordinary or incredible that this Henry should be sent on the same errand by Governor Craig? The occurrences of those times place the fact out of doubt. I perfectly recollect that on my return home from this place in March, 1809, I was informed of this Henry having passed through the country; and it was then conjectured that he was on the very business which he now states. But, say gentlemen, he libels and calumniates the Government! Why, sir, he does not more so than has often been done on this floor by a gentleman not now present, or than has been done for years by one description of presses and newspapers in this country.

The division of the Union is not a new subject. As early as the time the Jay Treaty agitated this country, I saw two numbers in the "Centinel," printed at Boston, holding out the idea of a separation of the States. I am very far from believing it was ever the wish of the great body of the Federal party, or that they will knowingly join the enemies of this country to effect such a purpose, but that there are some who call themselves Federalists, and who in principle and feeling are Englishmen, that would do it, I have no doubt.

Mr. SMITH said the character of this man was nothing to us, though it might be to him, and he therefore should not follow the example of gentlemen who had made so free with it. There was one point in which he considered the publication of these documents, which was of real importance; that they exhibited to the American people what sort of a nation we had to deal with. It appeared to him that Great Britain considered no means dishonorable provided they would accomplish the attainment of her object. With respect to Mr. Wright's idea, that the publication of the papers would throw an odium on the leading parties in this country, said Mr. S., none of those papers said any thing more disrespectful to the parties in this country than those parties had frequently said of each other in the public prints. He never had believed that the mass of the Federal party wished a separation of the Union; but that there were men in it attached to the British interests, he knew to be true. There was at least enough in these papers to put every man on his guard with respect to the insidious, dishonorable conduct of that Government, and he would therefore vote for printing 5,000 copies.

Mr. MACON said this was one of those debates which sometimes arose in the House, in which all were on one side of the question. Nothing can be more true than that these papers do prove that Great Britain has not yet ceased her attempts to disturb the peace of this nation. That they were genuine he believed, although they came from a man whom that Government had employed. There was nothing

new in the manner of communicating them. How was it in the conspiracy of Bloor and Liston? Mr. Adams communicated the disclosure to Congress. I imagine that Burr's conspiracy was communicated by some one who was or had been engaged in it. In this case, a man who had been in the service of this Government, preferring the British, was, while in Canada, engaged by Governor Craig to go into a part of this country to endeavor to procure a division of the Union. Mr. M. said he had, four years ago, stated that both Great Britain and France had agents in this country. Had they not had them in other countries? They had; and he cited Holland as a particular instance.

The only question that presents itself is, Is the information useful to us? Does it not confirm every man in the belief that while she is making professions of friendship through her Minister here, Great Britain is, in another direction plotting our destruction by her secret agents? It would be happy for us if we had not also French agents here. I never did believe the Federal party had any notion of joining Great Britain; but this nation, favored as it is, has yet not been clear of discord; and to say that there is not a man in the Federal or Republican parties who would wish a union with Great Britain or France, would be to say what I do not believe.

As to this man, he is just such a one as the British usually employ for these purposes; he is one of their own agents. Can England complain of our giving credit to a man with whom her first Secretary of State and the Governor General of Canada correspond? I care nothing about the cause which brings him here, it is an affair between him and them. The question is, Has he told the truth? I verily believe he has. I understood enough of the papers, as read, to know that he was the agent of the British Government sent here to sow disunion, and that was enough for me. So long as we are governed by interest, mutual wants, or common sense, so long shall we continue united. We are placed in such a situation that we ought to love each other, and we always should, did not our mad passions sometimes run away with us. One part of the nation delights in using the sea; another in agriculture; we supply each other's wants; we ought never to dream of separation. And, sir, when these messengers of hell are sent here shall we not look at them? Let us have the papers printed, sir.

Mr. KIR made some remarks which were not all distinctly heard by the reporter. He wished that the publication could have been accompanied with some refutation of its contents, as it would go to alarm the people with an idea of the existence of a spirit in one section of this country which he was sure did not exist. He was not only for committing the subject, but for following it up with a full and prompt examination. Sure I am, said Mr. K., that the people of Europe have mistaken the American character.

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Whatever difference of opinion may exist among ourselves, there can be none as to the propriety of supporting the integrity of the Union. There can be no doubt that the people of this country, of all descriptions, will rally around the constitution. France had heretofore supposed she possessed a party in this country, but there was not a man of sense in the country who believed it. Foreign nations would err in this way, having no correct knowledge of the sentiments of the people. If we were soon to be involved in war, it was proper that no distrust should exist in one part of the community against another; and he therefore regretted that a complete investigation could not be had before the papers were published.

Mr. MILNOR said his purpose in rising now was to express the anxious desire he felt that on this question there might not be the least division of sentiment manifested in the House. He should be extremely sorry at any time; above all, at a period of our national progress when it was thought that a change of circumstances of the most important kind was about to take place; that at this time an opinion should be imbibed that any portion of the people of this country were favorable to England. The candor of the gentleman from Maryland (Mr. WIGGENT) redounded to his honor. He was extremely glad to find gentlemen acknowledge, with respect to the party in which he stood enrolled, whatever might be our internal differences, &c., that they could not be suspected of hostility to the Union; there could be no idea entertained by sensible men of either party that there was among us any considerable portion of men who are inimically disposed to the union of the States.

That these papers proved a dishonorable attempt on the part of the British Government Mr. M. said he had no doubt. Although a strong sensation would probably be produced by the discovery of this circumstance, and it might be perverted much to the injury of the feelings of particular individuals, he hoped the good sense of the community would induce them, while they properly appreciated this attempt of a foreign Government, not to be led into rash or injudicious measures. He really wished the affair might be probed to the bottom; and that the British Minister having in one case come forward with a disavowal for his Government, would say in some shape or other what was the real state of the case now before the House.

The motion for printing was unanimously agreed to.

Mr. BISS moved to amend his motion for reference to the Committee of Foreign Relations, so as to give the committee power to send for persons and papers.

Mr. THOMP said that on occasions of this kind great care should be taken lest the House be hurried by a momentary excitement into an act of precipitancy. He had confidence in the discretion of the Committee of Foreign Relations, but the vesting such a power in the com-

mittee might be considered as an instruction by the House to proceed under any circumstances to bring Mr. Henry before them. He had no doubt in his own mind that the communication had been voluntary on the part of Mr. Henry, but he entertained as little that there may have been certain stipulations and conditions which the Executive would feel itself under the strongest obligations of good faith to comply with, and which would exempt the individual making the disclosure from any responsibility of any kind. Whatever may be thought of the motives of Mr. Henry in making the disclosure, or whatever the epithets applied to him in debate, certain it was, Mr. Henry had done service to the country, and ought to be protected by it. If the committee should, on examination, think proper to proceed to summon persons, or call for papers, the House would not hesitate to vest them with the necessary powers.

Mr. GRUNDY stated what was his impression as to the course he should incline to pursue as a member of the Committee of Foreign Relations, if these papers should be referred as proposed, to that committee. If any engagements, express or implied, had taken place between the Administration and Mr. Henry, that he should be free from detention, &c., he should not, as one of the committee, consent to violate that engagement.

The question on reference was carried unanimously.

The question to clothe the committee with compulsory power was carried—104 to 10.

THURSDAY, March 12.

*Mississippi Territory.*

The unfinished business of yesterday, the bill for enabling the people of the Mississippi Territory to form a constitution and State Government, being taken up—

Mr. POINDEXTER said, that on the general principles of the bill under consideration, he presumed there will be but little difference of opinion. The population of the Territory proposed to be erected into an independent State is unquestionably sufficient to authorize the measure agreeably to the present ratio of representation; and from the vast influx of emigration to that section of the Union since the last census, I am fully satisfied that it might be demanded as a matter of right under the compact with the State of Georgia. But, sir, the wise and magnanimous policy of the General Government has uniformly conferred on the respective Territories the rights of State sovereignty so soon as their numbers would fairly entitle them to one member in the House of Representatives of the United States. Ohio was admitted with a population of thirty-seven thousand souls. In the next Congress, that State will be entitled to six Representatives, besides a very large fraction which was thrown on her by the apportionment made during the present session. All the other new States received into the Con-

federacy since the adoption of the constitution, have grown into importance, and now constitute some of the firmest pillars in the Temple of Liberty. Permit me, Mr. Chairman, to express a hope, that while gentlemen delight to bask in the sunshine of freedom at home, they will on every occasion manifest their liberality and philanthropy, by extending its cheering rays to the remotest regions of our beloved country. Emancipate us from the trammels of colonial vassalage; place us on the high eminence of a free, sovereign, and independent commonwealth; and we shall at all times be ready, with our lives and fortunes, to assert the rights and vindicate the honor of our common country.

With respect to the limits recommended by the committee, including all that tract of country of which possession was taken by virtue of the Proclamation of the President of the United States, bearing date the 27th of October, 1810, there appears to exist a diversity of opinion. Some gentlemen think it improper to legislate definitely over that country, until the pledge given in the proclamation that it will in our hands be held subject to future negotiation, is redeemed in a manner satisfactory to the Executive who made it; and others wish to divide the country between the State of Louisiana and the State to be formed of the Mississippi Territory. To rescue this subject from the first objection, at a very early period of the session, I moved a resolution calling on the President for information on two points: 1. Whether there was any pending negotiation respecting our title. 2. Whether it was the wish of the Executive that the Legislative authority of Congress over the country should be suspended with a view to future negotiation and adjustment in relation to the claim of the United States. To this request the President has returned no answer. But without the aid of those lights which it is in the power of the Executive to shed upon the question, we all know that the downfall of the late Spanish Monarch, and the distracted state of revolution in which Spain is involved, renders it impracticable to recognize any legitimate authority with whom a negotiation could be conducted. It is true, several letters have passed between Mr. Secretary Monroe and Mr. Foster, the British Minister, during the recess of Congress, relative to our possession of West Florida, and the manner of taking it. On this correspondence it is not my intention at present to comment. It is a new proof of the disposition which Great Britain has always shown to intermeddle in the affairs of other nations, and the language of Mr. Foster is in the highest degree arrogant and insulting. Mr. Monroe, in his letter of the 8th of July, after repelling the insinuations made by the British Government as to the motives by which the President was actuated in taking possession of the country, declares "that by this event the United States have acquired no new title to West Florida. They wanted none." From this declaration it is evident that no doubt is entertained by the

Executive as to the validity of our title, and therefore it is unnecessary to suspend for a longer period the admission of that country into the Union.

Mr. POINDEXTER then offered the following amendment:

*"And be it further enacted, That the said State shall consist of all that tract of country contained within the following boundaries, to wit: beginning on the river Mississippi, at the point where the southern boundary line of the State of Tennessee unites with the same; thence along said line to its junction with the western boundary of the State of Georgia; thence along the said boundary to the thirty-first degree of latitude, and along said degree of latitude to a point opposite the river Perdido; thence to the junction of said river with the Gulf of Mexico, including all islands within six leagues of the shore to the junction of Pearl River with the Lake Pontchartrain; and up said river to the 31st degree of latitude; thence to the river Mississippi, and up the same to the beginning."*

The question on this amendment was taken without debate, and carried.

Mr. CLAY moved to add the following proviso, to follow after the section just adopted; which would have the effect to keep that portion of country taken possession of under the President's proclamation, subject to future negotiation:

*"Provided, That nothing herein contained shall be so construed as to prevent that portion of the Territory comprehended within the said boundary, formerly composing a part of the country known by the name of West Florida, being subject to future negotiation on the part of the United States."*

Mr. CLAY (Speaker) said that in offering this amendment to the committee, he confessed he was actuated rather by a disposition to accommodate the views of other gentlemen, than from any difficulty which he felt on the subject himself; for, with respect to our title to West Florida, he thought it utterly impossible that any gentleman could examine that question without suffering other considerations to mingle in the investigation, and not be thoroughly convinced that the title was in the United States: and he confessed that were he to consult his own views only, he should not hesitate a moment in making an unqualified annexation of that territory to the States to be formed of the Orleans and Mississippi Territories. But as some gentlemen, adverted to the President's Proclamation for taking possession of that country, had supposed that some difficulty might arise under it from such a procedure, in order to quiet these apprehensions, he had submitted this proviso. The right of the General Government to destroy the integrity of a State having been questioned, it would be well to guard against any difficulty on that score by a reservation to the General Government of the power to negotiate on the subject of this territory. At the same time he made this proposition, Mr. C. utterly disclaimed the idea that in any possible state of things ought this country to be ceded away. He con-

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sidered the possession of West Florida as indispensable to the interests and prosperity of the Western States, and so far to the integrity of the Union; and he should as soon see a part of the State which he represented ceded away as this territory. What, he asked, was the extent of the country in question? In breadth, about twenty miles; in length, about two hundred, binding to that extent our southern frontier. The danger of having provinces of a foreign power on our frontier is too well disclosed by the late communication of the President (concerning Henry's mission)—a disclosure which must combine in the execration of the project it developed, every man in the country, and every honest man in every country. Suppose the former dynasty of Spain to be reinstated on the throne, it could not desire, for honest purposes, the possession of West Florida. In proposing the amendment, Mr. C. said it was merely his object to make the acts of the Legislative body tally with the proclamations of the President. If, therefore, contrary to his firm conviction, it should be determined that we have not the title, he had no idea that even in that state of things the territory would be given up, but that an equivalent should be given for it.

Mr. C. said he fully approved the boundary established for the new State of Mississippi by the section just agreed to, so far as it operated on the Florida Territory. It gave to the State of Louisiana about three-fourths, perhaps four-fifths, of the population of the whole territory—a population homogeneous to the character of the country—American in principle and feeling; and with pleasure he had seen the convention of the Orleans Territory, in requesting this annexation, display a liberality of sentiment in desiring a further American population, which he trusted would be reciprocated by Congress. Although the State of Louisiana could not be gratified by the annexation of the whole territory, their desires would be gratified to a considerable extent by giving them all that portion of it lying west of Pearl River. The acquisition of the valuable settlements on the high lands, and their hardy population, would satisfy all the material wishes of the State. By this addition they would give to the new State of Louisiana the entire control of the Lakes Maurepas and Pontchartrain, by which the city of New Orleans may be most easily approached; you thus enable the State to take all necessary means to repel invasion. You effect another object, said Mr. C. There is not any very great natural connection between the people immediately on the bay of Mobile and Tombigbee River, and those on the Mississippi. If there be any connection, it is an artificial one, resulting from the preponderancy of capital at New Orleans, and will be lessened whenever there shall be a commercial capital at Mobile. I am therefore anxious to unite the territory east of Pearl River, including the bay of Mobile, to the Mississippi Territory, to which it is naturally connected; and, Mr. C. said, he had no hesitation

in declaring that either Pearl River or the Pascagoula ought to be the boundary which is to separate the two parts of the country respectively to be attached to the States of Louisiana and Mississippi—the Pearl River, upon the whole, would be the best, as dividing the territory in about equal portions. Mr. C. concluded by expressing his satisfaction that this subject had been taken up, and that the amendment proposed by the delegate from Mississippi had obtained, which he hoped would finally pass, &c.

Mr. RHEA said that the amendment proposed by the honorable Speaker to him appeared strange. I, said Mr. R., do firmly believe that the title of the United States to the country west of the Perdido River, named West Florida, is good and valid to all intents and purposes; and, therefore, I will not vote for a proposition which will evince a doubt relative to the sufficiency of that title. But it is said that the proclamation of the President has declared the same principle that the amendment proposes. That may be, but that is no law; that proclamation is not law, nor is the Legislature of the United States bound by it, unless they intend to adopt a principle similar to that used in Great Britain, where the King and Council can issue an edict having the force of law. This principle ought not to be established under the constitution of this nation. But the domineering interference of the British Government relative to West Florida, if there was no other reason, ought to be cause sufficient to reject this offered amendment; that interference of a Government which has no possible right or title to the country in question, will be, in a manner, sanctioned by the offered amendment. On these three points, then, the amendment ought to be rejected: first, that it goes to shake the solidity of the title; second, that it goes to sanction an opinion, that a preceding proclamation of the President of the United States is obligatory on the Congress of the United States; and, third, that the amendment, if agreed to, will go to authorize an opinion that the domineering interference of Great Britain, in respect to the country in question, was right and proper. Against these points I will, said Mr. R., hold up my hand—and therefore will vote against the offered amendment.

Mr. MITCHELL observed, that our minister who negotiated the purchase of Louisiana had been repeatedly told by Talleyrand, in the course of the negotiation, that the French intended to cede the country of West Florida; so that it had been not only purchased, but understood to have been purchased. His certainty of the completeness of our title was such, that he was unwilling to do any act which should recognize the existence of a doubt on the subject, and he was therefore opposed to the proviso. At the same time he had no objection to the amendment just agreed to; he was willing that the people on the Tombigbee and Alabama Rivers should have free access to the ocean, and thus do away all artificial distinctions which had

been made by a foreign power whilst the territory had been in its possession.

Mr. MAON was well satisfied with the amendment proposed; for he could not have consented to vote for this bill without the proviso, or something like it. Hitherto this Government had done every thing it could to preserve peace. The embargo and all the restrictive measures had in view to preserve peace; and peace would always be best maintained by a due regard to public faith. If a territory be incorporated into a State, it was the opinion of Mr. M. that neither the President nor Senate have a right to give it up. It had never been understood by any party, under our constitution, that under the treaty-making power the President would cede one inch of a State. Convenient although the territory is to us, and though we have possession, and it is said no pledge has been given in relation to it, yet it appeared to him that the proclamation held out the idea that we held it until an opportunity was afforded for negotiating on equitable terms. Mr. M. said he was willing to acknowledge that he had not examined the title in the same manner as the Speaker and the gentleman from New York had done, so as to enable him to pronounce on it with certainty; but the title did not come into the question on the present point. Had we, when all the rest of Louisiana was surrendered to us, obtained possession of Florida? No, we had not. It appeared to have been at least a doubtful question whether we obtained a title to it or not. What had been stated by the gentleman from New York, of Talleyrand's declaration to our Plenipotentiaries, had not much weight, because a claim was now set up to it not by France but by the Spanish Government. The proviso under consideration, whilst it could not in any degree invalidate our claim, did away the objections in his mind to the proposed annexation of territory. If the territory was once annexed to the State, without reservation or condition, they might as well hereafter attempt to cede away Boston or Old Plymouth, as that Territory.

Mr. WRIGHT spoke against the amendment at considerable length.

Mr. CLAY replied; and Mr. RHEA rejoined:

When the question was taken on the proviso, which was adopted without a division.

The bill having been reported to the House, and the House having agreed to take up the same, an adjournment took place.

FRIDAY, March 13.

#### *Mississippi Territory.*

The House resumed the consideration of the unfinished business, viz: the report of the Committee of the Whole on the bill for enabling the people of Mississippi Territory to form a constitution and State government.

The amendment changing the boundary of the Territory, &c., moved by Mr. POINDEXTER, together with Mr. CLAY's proviso, were agreed to without a division.

The question on the bill being engrossed for a third reading was decided without debate—yeas 67, nays 89, as follows:

YEAS.—Willis Alston, jun., William Anderson, Stevenson Archer, David Bard, Burwell Bassett, William W. Bibb, Robert Brown, William A. Burwell, William Butler, J. C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Deasha, Elias Earle, William Findlay, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Joseph Kent, Abner Lacock, Joseph Lefevre, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Israel Pickens, James Pleasants, jr., Henry M. Ridgely, Samuel Ringgold, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, Richard Stanford, William Strong, George M. Troup, Charles Turner, jr., Robert Whitehill, William Widgery, Thomas Wilson, and Richard Wynn.

NAYS.—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Richard Jackson, jun., Lyman Law, Joseph Lewis, jun., Robert Le Roy Livingston, James Milnor, Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin, jun., Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, William M. Richardson, Thomas Sammons, John Smilie, George Smith, Philip Stuart, Silas Stow, Lewis B. Sturge, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, and Robert Wright.

The bill was then ordered to be read a third time on Monday next.

MONDAY, March 16.

#### *British Minister's Disclaimer of all Knowledge of John Henry's Asserted Mission.*

The following message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress a letter, from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain, to the Secretary of State.

JAMES MADISON.

MARCH 13, 1812.

WASHINGTON, March 11, 1812.

The undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, has read in the public papers of this city, with the deepest concern, the Message sent by the President of the United States to Congress on the 9th instant, and the documents which accompanied it.

In the utter ignorance of the undersigned as to all the circumstances alluded to in those documents, he can only disclaim most solemnly, on his own part, the having had any knowledge whatever of the existence of such a mission, or of such transactions as

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the communication of Mr. Henry refers to, and express his conviction, that, from what he knows of those branches of His Majesty's Government with which he is in the habit of having intercourse, no countenance whatever was given by them to any schemes hostile to the internal tranquillity of the United States.

The undersigned, however, cannot but trust that the American Government, and the Congress of the United States, will take into consideration the character of the individual who has made the communication in question, and will suspend any further judgment on its merits until the circumstances shall have been made known to His Majesty's Government.

The undersigned requests the Secretary of State to accept the assurance of his highest consideration.

AUGUSTUS J. FOSTER.

The Message having been read, was, on motion of Mr. NEWTON, referred to the Committee on Foreign Relations, and ordered to be printed.

WEDNESDAY, March 18.

*State of Louisiana.*

The House resolved itself into a Committee of the Whole, on the bill for the admission of the State of Louisiana (now Orleans Territory) into the Union, and for extending the laws of the United States to the same.

The several blanks in the bill having been filled—

Mr. POINDEXTER observed, that it appeared to have been the sense of this House, when the bill for erecting the Mississippi Territory into a State was under consideration, that the portion of the territory taken possession of under the President's proclamation (known by the name of West Florida) which lies West of Pearl River, should be added to the State of Orleans. The constitution had provided that new territory might be added to the States with their consent. As it was not provided by the constitution which party should first assent, he presumed it was not material; and, as this appeared to be the proper moment for fixing the boundary, he was induced to offer the following amendment to the bill.

*"And be it further enacted, That so soon as the consent of the Legislature of said State shall be given to the same, all that tract of country lying within the following boundaries, to wit: beginning at the junction of the Iberville, with the river Mississippi; thence through the middle of the Lakes Maurepas and Pontchartrain, to the western junction of Pearl River, to Lake Pontchartrain; thence up said river to the thirty-first degree of latitude; thence along said degree of latitude to the river Mississippi; thence down the same to the beginning; be, and the same is hereby incorporated in, and made a part of said State, and shall be governed by the constitution and laws thereof, in the same manner as if it had been included within the original boundaries of said State. Provided, nevertheless, That the title of the United States to said tract of country shall be and remain subject to future negotiation.*

Mr. DAWSON said this question had been agitated in the select committee, but it had ap-

peared proper to them that this addition of territory should be made the subject of a separate law. If they went so far, they must go farther still into details. He thought it better that the law accepting the constitution should be as simple as possible.

Mr. CLAY (Speaker) could not view the subject in the same light, he said, as the gentleman from Virginia; and although there had been a division of sentiment in the select committee, there certainly were some members of that committee in favor of the motion. But, could gentlemen imagine any difficulty growing out of making this section a part of the present bill, which would not equally arise if it were put in a separate bill? There could be no difficulty in either way; and in propriety, it appeared to him the course now proposed ought to be pursued. They were about to admit a new State into the Union. Should not the bill, which recognized it, present the whole limits of the State in one view, or would it be better to subject inquirers to the necessity of wading through two or three acts to find out the boundary of a single State? He hoped the motion would prevail.

The motion was agreed to, 47 to 25.

Mr. CLAY said he observed there had been no ordinance passed by the convention recognizing the freedom of navigation of the Mississippi. He had no idea that under any circumstances, the Legislature of the new State would impede the navigation; but the object was one so dear to the people of the Western country generally, that he wished to place it beyond the possibility of doubt.

The amendment was adopted without a division.

Mr. JOHNSON said, that as the matter now stood, the population of the Florida Territory attached to this bill would, although they are to compose a part of the new State, be deprived of a voice in the passage of the first laws, which are always the most important under a new government, and in the choice of Senators in Congress, which would be attended with the greatest hardship, as the population had been unrepresented for some time past, and complained of various grievances. He, therefore, moved an amendment to the bill, to divide the territory to be annexed to Louisiana into two counties, to be called Feliciana and Baton Rouge, each to send one Senator and one Representative.

Mr. POINDEXTER wished the people of that country to be represented as much as the gentleman possibly could; but how could Congress in one breath say they should form a part of the new State as soon as its consent could be had, and in the next section declare, though by the very terms of the law they are not a part of the State, that they shall be represented in the Legislature of the State?

Mr. CLAY said he had understood that a memorial was in the city, and would be presented to the House at the first opportunity, from the

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Convention of Orleans, praying the annexation of the territory in question to the new State. When that was before them, the committee would be better able to understand how far they could now proceed in sanctioning the representation of that territory in the Louisiana Legislature. He therefore moved that the committee now rise, report progress, and ask leave to sit again.

Agreed to, and the committee rose.

THURSDAY, March 19.

*Disclosures of Mr. Henry.*

Mr. PORTER, from the Committee of Foreign Relations, to whom was referred the Message of the President of the United States, transmitting the disclosures of Mr. Henry, a British Secret Agent, made the following report:

The Committee of Foreign Relations, to whom was referred the President's Message, of the 9th instant, covering copies of certain documents communicated to him by a Mr. John Henry, beg leave to report, in part, that although they did not deem it necessary or proper to go into an investigation of the authenticity of documents communicated to Congress, on the responsibility of a co-ordinate branch of the Government, it may, nevertheless, be satisfactory to the House to be informed that the original papers, with the evidences relating to them in possession of the Executive, were submitted to their examination, and were such as fully to satisfy the committee of their genuineness.

The circumstances under which the disclosures of Henry were made to the Government, involving considerations of political expediency, have prevented the committee from making those disclosures the basis of any proceeding against him. And, from the careful concealment, on his part, of every circumstance which could lead to the discovery and punishment of any individuals within the United States (should there be any such) who were criminally connected with him, no distinct object was presented to the committee by his communication for the exercise of the power with which they were invested, of sending for persons and papers. On being informed, however, that there was a foreigner in the city of Washington, who lately came to this country from Europe with Henry, and was supposed to be in his confidence, the committee thought proper to send for him. His examination, taken under oath and reduced to writing, they herewith submit to the House.

The transaction disclosed by the President's Message presents to the mind of the committee conclusive evidence that the British Government, at a period of peace, and during the most friendly professions, have been deliberately and perfidiously pursuing measures to divide these States, and to involve our citizens in all the guilt of treason, and the horrors of a civil war. It is not, however, the intention of the committee to dwell upon a proceeding, which, at all times, and among all nations, has been considered as one of the most aggravated character; and which, from the nature of our Government, depending on a virtuous union of sentiment, ought to be regarded by us with the deepest abhorrence.

[Document accompanying the above report.]

FRIDAY, March 18.—*Count Edward de Crillon*

*sworn.*—This deponent knows Mr. Henry; he dined with him at Mr. Wellesley Pole's, in September, and afterwards at Lord Yarmouth's; met with him also at different fashionable clubs; deponent fell in with Mr. H. subsequently by accident; deponent had ordered his servants to procure him a passage for America; they met with Captain Tracy, of the ship *New Galen*, of Boston, at the New London Coffee House. After agreeing with him on the terms of the passage, Captain T. applied to deponent to know if he was ready to embark the next day, as the ship would sail on the following morning; deponent said no; that he should send his servants on board, but should take a postchaise for Portsmouth, and pass over to the Isle of Wight, where he should wait for the vessel. On the day following he went accordingly to Portsmouth, but before his departure he received a letter from Captain Tracy, couched in the following terms: "Sir, you must go to Ryde, where you shall find a gentleman called Captain Henry, waiting for the *New Galen*; I shall send a boat on shore for both of you." Deponent went to Ryde, but did not find Captain H. there; thence he proceeded to Cowes, and inquired of the American Consul "if the *New Galen* had passed?" fearing that she had sailed without him. The Consul informed him that the ship was detained in the Downs by head winds; deponent returned to Ryde, and remained there three weeks alone before Captain H. arrived. Captain H. came to him and told him that the ship was badly found, and advised him to go to Liverpool and take the packet; deponent refused, having paid his passage and his trunks being on board. Captain H. three days after his arrival, fell sick; he kept his bed twenty-two days, during which time he was often delirious, frequently uttering the name of Lord Liverpool. The deponent having two servants, one of them attended on Mr. H. during his illness. He was visited by Mr. Powell, of Philadelphia, a Mr. Wilkinson, or Dickson, of the British army, and a Mr. Perkins, of Boston; he received above two hundred letters from a Boston house, [Higginsons,] in Finsbury Square, that had lately stopped payment. He refused to take the letters, giving them to the Captain. Mr. H. was also visited by a Mr. Bagholt, who brought him letters from Sir James Craig. Henry refused to receive those letters. He recovered from his sickness. Deponent occupying the most agreeable house in the place, Henry's physicians asked the favor of an apartment for him until he was ready to embark. After eight weeks' detention, the wind became fair, and the vessel sailed. The day before her departure, Mr. Bagholt arrived at Ryde, with letters from Lord Liverpool to Sir George Prevost, and to Mr. Henry, who, when he saw the seal of the letter addressed to him, said, throwing it on the table, "that is a letter from Liverpool; what more does he want of me?" He appeared to be much agitated, and retired to his room. Mr. Bagholt returned that night to London without taking leave; but the wind coming fair the next morning the ship sailed. Mr. Edward Wyer, and Mr. West, both of Boston, and a Mrs. Thompson, of London, were passengers in the ship. Henry at first appeared very low spirited, took a cabin to himself, and mostly dined alone. In good weather he employed himself in shooting pistols, at which he was very expert. One dark night, about ten o'clock, the witness was walking on deck much dejected, when Henry accosted him—"Count Crillon," said he, "you have not confidence in me; you are unhappy; confide your sorrows to me." He



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spoke so kindly that deponent made him in part acquainted with his situation. He replied, "one confidence deserves another; I will now tell you my situation. I have been very ill-treated by the British Government. I was born in Ireland, of one of the first families in that country, poor, because a younger brother. I went to America with expectations from an uncle, (Daniel McCormick, Esq., of New York,) who possesses a large fortune, is old and unmarried. French persecution having exiled from that country many of the respectable families of France, I married a lady of that description, who died, and left two daughters without fortune. I applied to the American Government, and through the influence of the British Minister I was appointed captain of artillery during Mr. Adams's Administration. I had command at Portland, and at the fort near Boston, and while in commission, I was employed in quelling a meeting or insurrection among the soldiery, and during my continuance in office I gave general satisfaction. But perceiving there was no field for my ambition I purchased an estate in Vermont, near the Canada line, and there studied law for five years without stirring from home. I detest republican government, and I filled the newspapers with essays against it."

SATURDAY, March 14.—*Count C. in continuation.*

Deponent says that Henry told him in the course of his interview, which he mentioned yesterday, that the severity of his strictures in the public prints against republican government attracted the attention of the British Government. "Sir James Craig," continued he, "became desirous of my acquaintance. He invited me to Quebec, where I staid some time. Hence I went to Montreal, where every thing I had to fear, and all I had to hope, was disclosed to me. I went afterwards to Boston, where I established my usual residence. I was surrounded by all the people pointed out to me by the agents who were under my orders. I lived at the Exchange Coffee House, gave large parties, made excursions into the country, and received an order extraordinary from Sir James Craig to dispose of the fleet at Halifax, and of the troops, to further the object of my mission, if required. My devotion to the cause was extreme. I exhausted all my funds. I spent many precious years in the service; and was advised to proceed to London. The Government treated me with great kindness. I was received in the highest circles; was complimented with a ticket as member of the *Pitt Club*, without being balloted for. And when I had spent all my money, and presented my claims for retribution, the Government attempted to cheapen my services, [mercenary,] to beat me down. My claims were to the amount of £82,000 sterling. I was told, however, that I should be provided for, by a recommendation to Sir George Prevost, in case I would return to Canada, and continue my mission and services as before; and to exercise the same vigilance over the interests of the British Government. At the same time, the Government appointed a friend of mine, an Irish gentleman, Attorney General for Canada, through my influence." [Deponent saw this gentleman at Mr. Gilbert Robertson's in New York.] Henry continued: "Disappointed in my expectations, I was impatient to proceed to Canada to sell my estates and my library, and take my revenge against the British Government. I knew that if I went to Canada I must deliver up my despatches, and that I should afterwards be put off by the Government. I, therefore, determined to retain the documents in my pos-

session, as the instrument of my revenge. Determined to extricate myself from my embarrassing connection with the British Government, I refused the offer of a passage to Halifax in one of their ships of war, and determined to live privately and retired at Ryde, and take passage in the first vessel that should sail for the United States. This is the cause of your meeting me at Ryde."

Deponent represents to Henry, "That England was his legitimate Government; that he would render himself the most odious of all characters by betraying it; that his (the deponent's) Government had treated him harshly, and that he then labored under its displeasure, but no consideration should induce him to act against it; that we must not resent a parent's injuries; tells him to have patience, and wait for his reward." Henry then pleaded in his justification the wrongs of his native country—Ireland—inflicted by the British Government.

Henry came down to Washington, and stopped at Tomlinson's, where deponent saw him. He afterwards removed to Georgetown, to the house of one Davis, an auctioneer, where the deponent visited him every day, and found him always occupied. Deponent waited for his disclosures, not having any disposition to pry into his secrets; but Henry was entirely silent, and incessantly sighing very deeply. On the day of General Blount's funeral, deponent took Henry down to Alexandria, in expectation that he might communicate his projects; but he was still reserved. After dinner they returned, and while in the carriage, Henry tells deponent "that he has great confidence in him; that he (deponent) has been here some time, and asks his opinion of Mr. Monroe." Deponent answered that he was very little acquainted with any body, but thought Mr. Monroe a most virtuous and respectable man.

Deponent remained several days without hearing any thing more, until one morning at 7 o'clock, Henry came into his apartment and said—"Crillon! you must sell me *St. Martial*," [an estate of the deponent's in Lebeur, near the Spanish frontier;] "you have the title papers with you. My name will be rescued from oblivion by living near *Crillon*, the habitation of your ancestors, and of a man who has been my friend." Deponent answered that he had no objection; and, if Henry on seeing the property was not satisfied, he would give orders to his agent in France to cancel the bargain. The conveyance was accordingly made.\* Henry left deponent, when Mr. Brent, to whom Henry was not introduced, came into the deponent's apartment. About this time, deponent received four anonymous threatening letters, and was advised by his friends that he was surrounded by spies; but he told them that he had nothing to fear—that he was "*sans peur et sans reproche*." By one of these letters I was advised to leave the city before 12 o'clock, as a person had just arrived from London with orders to arrest me.

Meanwhile rumors circulated very generally to the deponent's prejudice, and he was under the neces-

\* This was quite an extemporaneous method of selling an estate. To render the transaction more intelligible, it may be known that Henry was paid \$50,000 at that time by the American Government for his disclosures, and it may be supposed that this impromptu purchase of "*St. Martial*, the *Crillon* estate in *Lebeur*, near the frontier of Spain," was a method which the two romantic friends took to divide the money which they had earned.

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city of vindicating his character, and of correcting the author of those reports.

The Message of the President gave the deponent the first intelligence of the true state of the transaction.

Henry told the deponent that a Mr. Gilvary, or Gillivray, from Quebec, had come to him at New York, to persuade him to go to Canada; but Henry said "he would not—that the Rubicon was passed."

Henry kept the first company at Boston.

Being questioned if Henry had mentioned the names of any person with whom he had conferred? deponent answered "None."

Deponent landed at Boston, December 24, 1811; staid there about ten or twelve days. Visited Governor Gerry twice.

Question—Do you know where Henry is now?

Answer—No. By report, I hear he is in New York.

Deponent left Boston in the public stage. Henry was also a passenger. But at New Haven deponent took a private carriage to himself.

COUNT E. DE CRILLON.

The report having been read, was, on motion of Mr. PORTER, ordered to lie on the table.

FRIDAY, March 20.

#### *Admission of Louisiana.*

The bill for the admission of the State of Louisiana into the Union, and to extend the laws of the United States thereto, was read a third time, and passed, without debate—yeas 79, nays 28, as follows:

YEAS.—William Anderson, Stevenson Archer, Esakiel Bacon, David, Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, Matthew Clay, Lewis Condict, William Crawford, Roger Davis, John Dawson, Samuel Dinsmoor, William Findlay, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwin, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Philip B. Key, William R. King, Abner Laocok, Peter Little, William Lowndes, Aaron Lyle, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jr., Benjamin Pond, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith, John Smith, Richard Stanford, Samuel Taggart, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Robert Whitehill, David R. Williams, Thomas Wilson, Robert Wright, and Richard Wynn.

NAVS.—Hermannus Bleecker, Epaphroditus Champion, Martin Chittenden, William Ely, James Emott, Asa Fitch, Richard Jackson, junior, Lyman Law, Joseph Lewis, junior, Robert Le Roy Livingston, James Milnor, Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin, junior, Josiah Quincy, William Reed, Thomas Sammons, Adam Seybert, Philip

Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, and Leonard White.

TUESDAY, March 24.

#### *Limitation of Claims on the Government.*

The House proceeded to consider the report of the Committee of the Whole on the following resolution:

"Resolved, That it is expedient to make provision by law for the payment of the following descriptions of claims, to wit:—1. Loan office certificates; 2. Indents of interest on public debt; 3. Final settlement certificates; 4. Commissioners' certificates; 5. Army certificates; 6. Credits given in lieu of army certificates cancelled; 7. Credits for the pay of the army for which no certificates were issued; 8. Invalid pensions; 9. Lost or destroyed certificates— notwithstanding any statute of limitation to the contrary, under such restrictions as shall insure payment only to the original claimant, his heirs, executors, or administrators."

The resolution was agreed to, and referred to the Committee of Claims to bring in a bill pursuant thereto.

#### *French Spoiliations.*

Mr. FITCH said that he held in his hand a statement and representation, on oath, of Captain Samuel Chew, of New Haven, in the State of Connecticut, which he would beg leave to present to the House. Captain Chew states, that he was supercargo on board the brig Thames, and on the 19th of January, 1812, sailed from St. Ubes, bound to New Haven, with a cargo of salt and fruit; that on the 2d of July following, the brig was taken possession of by a French squadron, consisting of two frigates of forty-four guns each, and a sloop of war of sixteen guns, under the command of Commodore Forretin, and that he was told by the officer boarding him, that the brig would be burnt the next morning. That the officers of the squadron informed him that they sailed from Nantes on the 8th of January. That on board the French vessels were the crews of the ship Asia, from Philadelphia, bound to Lisbon, and of the brig Gershom, of Duxbury, last from Boston, bound to Oporto, both laden with corn and flour. That the officers of the squadron informed him, that, on the 17th and 23d of January, they had captured and burnt the ship Asia and brig Gershom. He also states that he inquired of the Commodore the reasons of burning them, and was informed by him that he had orders from the Government to burn all American vessels sailing to or from an enemy's port. That, on the 3d of February, the Commodore put on board the Thames the captains and crews of the vessels burnt, being thirty-seven in number, to be landed in the first port, and that, on the 16th day of July, he landed them at St. Bartholomews. Captain Chew states likewise, that when the Commodore released the Thames, he gave him a document or writing, subscribed with his own hand, and

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written in the French language, and which is annexed to his statement. This document contains a list of names of the men composing the crews of the vessels captured; it also states that they were captured on voyages from Philadelphia and Boston to Lisbon, laden with grain and flour, by the division under the command of Monsieur Forretin, Member of the Legion of Honor, and that they were captured in pursuance of the instructions of the Minister of Marine and the Colonies.

Mr. P. said that this statement, with the original document annexed, in the French language, and under the hand of the commodore of the squadron, had been forwarded here, for the information of the Government; that the character of Captain Chew was such as to entitle him to full credit wherever he was known. Believing, therefore, as he did, in the truth of these statements, and that the document annexed is genuine, he thought it his duty to present it to the House for their information. The House, after hearing them read, can dispose of them by referring them to the Secretary of State, or otherwise, as they may think proper.

The papers presented by Mr. PITKIN having been read,

Mr. McKIM moved that they lie on the table until time should be afforded for the arrival of those persons in the United States whose testimony might confirm the facts stated.

Mr. PITKIN also wished them to lie on the table, that they might be examined by gentlemen, and receive that attention to which the importance of their contents might entitle them.

The papers were accordingly ordered to lie on the table.

THURSDAY, April 2.

#### *Virginia Military Bounty Land.*

Mr. NELSON, from the committee to whom the subject had been referred, made a report, concluding with the following resolution:

*Resolved*, That provision should be made for securing to both officers and soldiers of the Revolutionary army of Virginia on that establishment, in the land or sea service of the said State, the bounty lands which were promised to them, either by law or resolution of the said Commonwealth, out of the lands not otherwise appropriated, and lying on the north-west of the river Ohio, within the Virginia cession, to be of good quality, according to the true intent and meaning of the promises made on the part of Virginia; and that if a sufficiency of good land, within the meaning aforesaid, cannot there be found, that these bounties shall be satisfied out of any other public lands of the United States not otherwise appropriated.

The report was referred to a Committee of the Whole.

MONDAY, April 6.

#### *Publication of Secret Proceedings.*

Mr. GRUNDY, from a committee which had been appointed while the House was sitting with closed doors, made the following report:

The committee, to whom was referred the resolution directing an inquiry to be made, whether there has been any, and if any, what violation of the secrecy imposed by this House, during the present session, as to certain of its proceedings, have, according to order, proceeded in said inquiry, and beg leave to state, that, under the authority with which they were invested by the House, they have caused to come before them four witnesses, whose testimony on oath is as follows, to wit:

Charles Prentiss states that he furnished to the editors of the "Spirit of Seventy-six," a paper printed in Georgetown, the paragraph giving an account of the proceedings of the House of Representatives, while sitting with closed doors, on the subject of the embargo; and he further says, that he did not receive the information, or any part thereof, which enabled him to write said paragraph, from any member of Congress or officer of the House. Upon being interrogated, he states that he received the whole of his information from Nathaniel Rounsavell, one of the editors of the Alexandria Herald; that he received it on Wednesday late at night; and he asked of Mr. Rounsavell whether the injunction of secrecy had been removed. Rounsavell replied that he had not inquired. On Thursday morning the witness spoke to some of the members on the subject, and from their conduct he was satisfied that the injunction of secrecy had not been removed; notwithstanding which, the witness sent the paragraph above alluded to, to the editors of the Spirit of Seventy-Six on Thursday.

John M. Carter and James B. Carter, editors of the "Spirit of Seventy-Six," state that they received from Mr. Prentiss, in writing, the statement which appeared in their paper; that they received no information on the subject from any member or officer of the House.

Nathaniel Rounsavell, upon being interrogated, says he composed the paragraph which appeared in the Alexandria Herald of Friday last, containing a statement of the secret proceedings of the House of Representatives upon the subject of the embargo; that he on Wednesday night, after the adjournment of the House, derived a part of the information, on which he was enabled to give the detailed account, from the conversation of members of the House with whom he accidentally fell in company; that he was acquainted with the members, and they with him; they knew he was present; he partook in some degree in the conversation.

Question by the committee—From the conversation of what members did you collect the information of which you have spoken?

The witness refused to answer the interrogatory.

Question 2—At what place was the conversation held?

Witness refused to answer.

Question 3—Have you seen the members alluded to, or any of them, since you first appeared before this committee on Saturday last?

Witness likewise refused to answer this interrogatory.

Whereupon it is ordered by the committee that the Sergeant-at-Arms detain said Rounsavell in his custody until the pleasure of the House of Representatives relative to the conduct of said witness can be ascertained.

After the report was read, Mr. GRUNDY offered the following resolution for consideration:

*Resolved*, That the Sergeant-at-Arms be directed to bring the said Nathaniel Rounsavell to the bar of the House, there to answer such questions as may be propounded to him by the Speaker, under the direction of the House."

Much desultory discussion took place as to the mode of proceeding in this case, the form of the proposed order, its conformity to precedent, &c., in which Messrs. PITKIN, LAOOCK, SHEFFEY, TROUP, TALLMADGE, GRUNDY, FISK, and WIDGERTY, took part. This discussion resulted in the proposition of a preamble to the motion, by Mr. GRUNDY, reciting the grounds of the order.

The motion was then agreed to.

On motion of Mr. GRUNDY, the select committee were then discharged from the further consideration of the subject.

On motion of Mr. GRUNDY, it was resolved that several interrogatories contained in a paper which he offered to the House, should be proposed to the witness.

Mr. BUEWELL suggested the propriety of allowing this person counsel; but withdrew the suggestion, on its being remarked, that this person appeared before the House in the character of a witness, not a criminal, and that it was not usual for a witness to appear by counsel.

Mr. Rounsavell was then brought to the bar of the House by the Sergeant-at-Arms.

After some hesitation on the part of the witness to take the oath required, he was sworn, in the usual form of oath administered to witnesses.

The first interrogatory agreed to by the House was put to him by the Speaker, in the following words: "From the conversation of what members did you collect the information of which you have spoken in your deposition before the committee?"

To this question the witness answered in these words: "I refused to answer that question when before the committee, and I continue steadfast in that refusal."

The witness was ordered to withdraw, and the Speaker reported his answer to the House; having deemed it unnecessary, on his refusal to answer the first, to propound any other of the questions.

Mr. SETBET, after stating his indisposition to encroach on the rights of the citizen, which, however, must yield to the superior rights of the nation, which required them to act in this case, suggested the propriety of recommitting this person to the custody of the Sergeant-at-Arms until further order should be taken by the House, and preventing him in the mean time from communicating with those from whose conversation he might have derived his information. With this view he offered the following resolution:

*Resolved*, That Nathaniel Rounsavell be committed to the custody of the Sergeant-at-Arms until further order, and that in the mean time he be precluded from all intercourse or conversation with any person or persons other than the Sergeant-at-Arms.

The question on striking out so much of the motion as precludes the witness from conversation with any one unless in the presence and hearing of the Sergeant-at-Arms, was decided as follows—yeas 62; nays 23.

The question was then stated on the motion as just amended, viz:

"That Nathaniel Rounsavell be committed to the custody of the Sergeant-at-Arms until the further orders of the House."

The question was taken on the resolution, and it passed by a very large majority.

TUESDAY, April 7.

#### *Publication of Secret Proceedings.*

A letter was laid before the House from Nathaniel Rounsavell, the witness now in the custody of the Sergeant-at-Arms. The letter disclaims any intention to have violated the respect due to the House by the publication which he had made; it declares that the conversation which the writer had was inadvertant, as he believes, on the part of the members who partook in it, and entirely without any intention on their part, as he believes, to violate the order of the House; that he had been refused by the committee an opportunity to explain his testimony; and that his only motive for refusing to answer was, that if he were to answer the question as propounded to him, it might have the effect of criminating those who had committed no crime, and from whose conversation, but for previous and subsequent knowledge, he could not have ascertained that an embargo had been the subject of discussion, &c.

Mr. SMILEY said it was in his power, he believed, to make a statement to the House which would procure a discharge of this man. Had the original motion succeeded yesterday, he should then have risen and stated what he was now about to say, because he had been determined that the man should not suffer. I do believe, said Mr. S., that the substance of the information which Mr. Rounsavell published in his paper, he did derive from conversation of myself with others; whether he got other particulars from other members, I know not. The circumstance was this: The night the embargo law passed this House, I met with a member who was absent, and ignorant of what had passed. Upon meeting with this gentleman he inquired of me what had been done? I briefly told him, and I have reason to believe Mr. Rounsavell was in such a situation as to hear what I said. Having made this statement, I will make a few other remarks. I had a seat in Congress when each of the former embargoes under this constitution were laid. The mode in which they came before the House was in those cases such as to enable us to keep them secret. In every instance except the present, the first intimation relative to the embargo came from the President to the House in a confidential shape, and the doors were immediately closed.

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What was the fact in this case? The measure originated in the Committee of Foreign Relations. It was proposed there that it should be kept secret; when a member of the committee rose and declared he would not be bound—he would not keep it a secret. This destroyed at once the efficacy of any such determination on the part of the committee; we might as well have discussed the subject with open doors as with closed doors, had it not been from respect to the Message of the President recommending a different course. What was published in the *Herald*, therefore, was of no importance; when the subject of discussion was known to all, it was of very little consequence to know who was chairman, and who spoke, and how many voted. If the House must have a victim, and it appears to me some gentlemen would be very willing to have one, I offer myself in the room of this man; he has suffered too much already. The *quo animo* constitutes the essence of every crime; it cannot then be supposed, after the warm support I have given to this measure, that I could have any unfriendly intention towards it. I well know the powers of this House; and I know the limits of those powers. The House will take such steps as they think proper. I have taken my ground; I am prepared for the event. He would further observe that in relation to the suspicion of members having influenced Rounsavell to refuse to answer, that he had not seen him from the time of the conversation he had stated until after his appearing before the committee and refusing to answer.

Mr. Smilie was asked to name the member of the Committee of Foreign Relations, to whom he had just alluded, and replied that his name was no secret—it was Mr. Randolph.

Mr. CALHOUN said that the member of the Committee of Foreign Relations, (Mr. RANDOLPH,) to whom allusion had been made, not being in his seat, he would state how the fact just stated had occurred in the committee. That gentleman stated (said Mr. C.) that he had doubts of the power of the committee to compel him to secrecy; but the gentleman also stated that he had just returned from Baltimore, where he found the British Consul possessed the knowledge of an intended embargo, and that a great commercial house was acting on it, and therefore he did not feel it his duty to keep it secret. I, sir, was the one who made the motion that our proceeding should be confidential. After the statement made by the gentleman from Virginia, that he should feel it his duty to proclaim the fact, combined with other circumstances, I did not feel so strongly the obligation, and the motion for secrecy was waived. Under the impression that it was no longer a duty to confine the knowledge of this transaction to the bosom of the committee, I mentioned it to the gentleman from Boston and other commercial cities, that they might be aware of the transaction; I did it from a sense of duty, that they might be as well informed on this head as other members of the House.

Mr. QUINCY rose to state the circumstances as they had occurred on the day alluded to, and he had it in his power to do so, because, anticipating that some difficulty might arise, and wishing to relieve himself from blame, he had on the morning after the occurrence, committed it to paper, as follows:

"MARCH 31, 1812.

"MEMORANDUM.—Mr. Calhoun, of South Carolina, a member of the committee of Foreign Relations, this day informed me that 'the Committee of Foreign Relations had come to a determination that an embargo should be proposed to Congress for its adoption to-morrow.' I asked him if I was at liberty to mention this as a fact from him. He replied that 'I was at liberty.' He said 'that the gentlemen of the committee were generally of opinion that the subject should be kept secret. But Mr. Randolph,\* one of the committee, had declared that he would not consider himself bound to any such obligation. The committee, therefore, had thought that it was but fair to give an equal chance to all the gentlemen in Congress. And that he informed me of the fact, as a member from a commercial town, in order that I might communicate it to my mercantile friends.'

"I soon after went to him and asked him, 'whether the embargo would come as an Executive recommendation.' He replied, 'I do not deem myself authorized to answer that question.'

"I find the same information has been communicated by other members of the committee to various members of Congress.

"JOSIAH QUINCY."

\* "Mr. Calhoun has since stated to me, that the reasons given by Mr. Randolph for refusing to agree to the injunction of secrecy were, 1st. That he doubted the right of the committee to enjoin secrecy; 2d. That having just returned from Baltimore, he had heard, while in that city, that the intention to lay an embargo was already known in that city, and that the British Consul and a great mercantile house there were then acting on the information. J. Q."

Mr. SEYBERT said, after what had been stated by his colleague, it was very evident that the information which had found its way to the public had been inadvertently communicated by a member; and he hoped the House was satisfied with the result. When he made the original motion, yesterday, for detaining this person, Mr. S. said he was desirous of a modification of it; he had not contemplated so rigorous a confinement as it would perhaps have comprehended. He was now perfectly satisfied, and considered it his duty to move that the witness be discharged from the custody of the Sergeant-at-Arms.

Mr. ROBERTS was opposed to discharging the witness until he had explained a sentence of his letter to the Speaker, in which he had asserted that he was not permitted to explain his testimony. The fact was, that the committee had acted with the greatest patience and liberality towards the witness, and extended to him every indulgence in their power, and his assertion was therefore unwarranted.

Mr. MASON, in the absence of Mr. RANDOLPH, thought proper to remark that he had heard of

the embargo in Baltimore, and the report had brought him here. It appeared, then, it was no secret at all. This was the first instance, indeed, Mr. M. said, in this Government in which a committee had undertaken to make a secret for itself. No such power of a committee was recognized by the House. Being confidentially referred by the House to a committee, they must in that case act on it in the same manner; otherwise there was, perhaps, no obligation. He did not believe there was a man in the nation who would be farther from doing a dishonorable act than the gentleman from Virginia, whose name had been called in question.

Mr. SEYMOUR said, after what had passed, he presumed every one was satisfied there was no occasion to pursue the inquiry, and as the witness had submitted to the authority of the House, he moved the following resolution:

*Resolved*, That Nathaniel Rounsavell, now in the custody of the Sergeant-at-Arms of this House, for a contempt of its authority in not answering the questions propounded to him by order of the House, having submitted to answer, and purged himself from the contempt, be discharged from said confinement."

The question was then taken on Mr. SEYMOUR's motion, and carried without opposition; and the Sergeant-at-Arms was ordered to discharge the witnesses from confinement; and then, on motion, the House adjourned until tomorrow.

THURSDAY, April 9.

#### *Importation of British Goods.*

The House resolved itself into a Committee of the Whole on the bill to authorize the importation of goods, wares, and merchandise, under certain circumstances, from Great Britain, her colonies or dependencies.

#### *Removal of Federal Judges on Address of Congress.*

##### AMENDMENT OF THE CONSTITUTION.

Mr. McKIM offered to the House the following resolution, premising that he had been particularly induced to offer it, by considerations resulting from the present state of things in the State of New York, arising from the disability of the District Judge, by which upwards of seven hundred suits were kept in suspense, to the great injury of individuals and prejudice of the Government. In order to remedy that difficulty, a bill had passed both Houses, which had been returned by the President as objectionable on constitutional grounds. It had been pronounced on this floor, by a respectable law authority, that if that bill was rejected there was no other remedy. He, therefore, had been induced to offer the following resolution:

*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled: (two-thirds of both Houses concurring,) That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legis-

latures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"*Resolved*, That the Judges of the Supreme and Inferior Courts may be removed from office, on the joint address of the Senate and House of Representatives of the United States."

The resolution was ordered to lie on the table, and to be printed—44 to 33.

#### *Louisiana Lead Company.*

The House resolved itself into a Committee of the Whole, on the bill to incorporate Moses Austin, Henry Austin, John R. Jones and others, in the Territory of Louisiana, by the name of the Lead Company of Louisiana. After considerable debate, the first section of the bill was stricken out, on motion of Mr. THOMPSON. The question on concurrence with the committee was decided by yeas and nays. For concurrence 46, against concurrence 43.

And so the said bill was rejected.

TUESDAY, April 14.

#### *Cumberland Road.*

Mr. MORROW, from the committee to whom was referred the Message of the President of the United States, of the 1st ultimo, transmitting a report and letter concerning the proceedings under the act, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," and also a petition from a number of the inhabitants of the western counties of the State of Pennsylvania, praying that an appropriation may be made for the purpose of erecting a bridge over the Youghiogany at the place where the new road crosses the said river, made the following report:

That two subjects are suggested by the said Message, which require Legislative provision, viz: the appropriation of \$30,000 for completing the said road to Tomlinson's, where the old and new roads meet, and the granting authority to levy toll sufficient to keep the said road in repair.

The reasons assigned in favor of such provisions, by the report and letter communicated by the Message, are, in the opinion of the committee, sufficient to show the expediency of the measure; they therefore refer the House to these documents.

It is proper, however, to state that the appropriations already made for the objects have exceeded the moneys produced by the fund pledged to defray the expense of the said road, which will appear by a letter from the Treasury Department, accompanying this report. That circumstance, as also the present state of the public finances, the necessity arising out of the existing crisis in the national concerns, for applying the public resources to objects of security and defence, have been duly considered; and whatever ground of objection to the proposed measure these considerations may afford, the committee are of opinion, nevertheless, that the advantages the public would derive from an immediate extension of the new road to where it will intersect with the old, are sufficient to justify the appropriation.

They are of opinion, that an appropriation for

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*Relief of Caracas, &c.*

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erecting a bridge over the Youghiogany River would be improper at this time, because, by law, the superintendent, in making the road, has power to deviate from the original survey, only that the road shall pass through the principal points established. If, then, a bridge should be erected over the said river, that place must necessarily become fixed as a point to which the road must lead, and being many miles in advance of the parts of the road contracted for, might prove inconvenient in the further prosecution of the work.

The committee respectfully submit the following resolutions:

*Resolved*, That \$30,000, in addition to the sums heretofore appropriated, and reimbursable by the same fund, shall be appropriated for making the road leading from Cumberland to Brownsville.

*Resolved*, That provision be made for the levying of toll sufficient to keep the same in repair.

*Resolved*, That it is inexpedient to appropriate money for erecting a bridge over Youghiogany River on the said road.

The report was referred to a Committee of the Whole on Thursday next.

MONDAY, April 20.

*Death of the Vice President.*

A message was received from the Senate, announcing the death of the Vice President of the United States, and the resolution they had adopted.

The House agreed to consider the joint resolution as above stated.

Mr. TALLMADGE said, it was assuredly not from any want of respect to the memory of the patriot deceased, that some member from the State of New York did not on this occasion address the Chair. At their request, and being himself a native citizen of the State of New York, and having served particularly and on honorable occasions in the Revolutionary war with the gentleman whose death was now announced; having long known his services and merits as a soldier and statesman, he took the liberty, in behalf of the delegation from New York, to move a concurrence in the resolution of the Senate.

The House unanimously concurred; and Messrs. TALLMADGE, MITCHELL, GOLD, STOW, and MACON, were appointed a committee on their part to act with the committee of the Senate.

And the House adjourned, to meet at nine o'clock to-morrow, to receive the report of the joint committee on the subject.

TUESDAY, April 21.

On motion of Mr. TALLMADGE,

*Resolved, unanimously*, That from an unfeigned respect to the late GEORGE CLINTON, Vice President of the United States, and President of the Senate, the Speaker's chair be shrouded with black during the present session: And, as a further testimony of respect for the memory of the deceased, the members will go into

mourning, and wear black crape on the left arm for thirty days.

On motion of Mr. TALLMADGE,

*Resolved, unanimously*, That the members of this House will attend the funeral of GEORGE CLINTON, deceased, the Vice President of the United States, to-day at four o'clock.

And the House adjourned.\*

FRIDAY, April 24.

*Corps of Engineers.*

The House resumed the consideration of the bill making further provision for the corps of Engineers, which had been amended in Committee of the Whole, so as to authorize the appropriation therein made to be disbursed "at such place as may be designated by the President of the United States for that purpose."

Mr. GOLD spoke against a concurrence in this amendment at some length, and was followed on the same side by Mr. SMITH and Mr. WIDGERY; to whom Mr. KEY, Mr. WILLIAMS, and Mr. WRIGHT replied.

The discussion principally involved the respective merits of West Point and Washington City (to which place it was supposed, probably, that the Executive might deem it expedient to remove the Academy) as proper sites for a Military Academy. The question on the amendment was decided by yeas and nays. For the amendment 63, against the amendment 56.

Mr. W. ALSTON moved an amendment contemplating the establishment of the Academy at Carlisle, in Pennsylvania, a place which he stated to be more eligible, in point of economy, convenience, and comfort, than West Point.

Mr. GOLD opposed the motion.

A motion was made by Mr. LITTLE to recommit the bill, and negatived.

Mr. FINDLAY spoke in favor of the motion.

Mr. BAKER suggested the propriety of locating the Academy at Harper's Ferry; and because, if the Academy must be removed, he thought Harper's Ferry preferable to Carlisle, he should vote against the motion.

Mr. REEA made a motion which he said would put an end to all these propositions to amend the bill, viz: to postpone the bill indefinitely. The motion was negatived—yeas 32.

The question was then taken—"Shall the amendments be engrossed, and, together with the bill, be read a third time?" and decided in the affirmative.

WEDNESDAY, April 29.

*Relief of Caracas, &c.*

Mr. MACON submitted for consideration the following resolution:

*Resolved*, That the Committee of Commerce and Manufactures be instructed to report a bill authorizing the President of the United States to cause to be purchased — barrels of flour, and to have the same

\* The practice of pronouncing funeral eulogiums on deceased members had not, at this time, been introduced into Congress.

H. OF R.]

*Relief for Venezuela.*

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exported to some port in Caraccas, for the use of the inhabitants who have suffered by the earthquake; and also authorizing him to cause to be purchased — barrels of flour, and to have the same exported to some port in Teneriffe for the use of the inhabitants who are likely to starve by the ravages of locusts."

To the adoption of the first clause of this resolution, there was no objection made by any one; but a desultory debate took place on incidental points and on the merits of the last clause.

Mr. RANDOLPH made a speech of some length in favor of the object of the proposed resolution, but going to show that the aid the Government could afford would be ineffectual to relieve famine, if it existed; and that unquestionably the most effectual relief that could be afforded on our part to the wretched and unfortunate people of Caraccas would be a suspension, as to them, of our restrictive system. He, therefore, moved to amend the resolution by adding to the end of it the words "and to authorize vessels laden with provisions to clear out for any port of the aforesaid country."

Mr. CALHOUN expressed his regret that this proposition to aid the cause of humanity could not be permitted to pass without the intermixture of party feelings, which the motion and speech of the gentleman from Virginia, he thought, were calculated to excite. He was opposed to the amendment, which he conceived would virtually repeal the embargo, and he hoped, as there could be no probability of adopting it, he would withdraw it. Mr. C. said he had doubts about the latter clause of the resolution; because, as to the distress at Teneriffe, the House had no other information than a newspaper report, whilst of the scarcity of provisions at Caraccas they had accurate information.

Mr. RANDOLPH defended himself against the imputation of a desire to excite party feelings, &c., and declined withdrawing his amendment, because he believed its adoption to be essential to the accomplishment of the object of the original motion. He also made a number of observations on the impatience which gentlemen of the minority were listened to in the House, and the frequent interruptions they were in the habit of meeting with, &c.

Mr. MACON spoke against the amendment, which, if adopted, would compel him to vote against his own motion. The restrictive system, he said, would not be of long duration, and, when it expired, provisions in plenty might be exported to South America and elsewhere; so that there was very little necessity for suspending the embargo law, which was only adopted preparatory to a different state of things. The clause in the resolution relating to Teneriffe, he said, had been added at the suggestion of another member.

Mr. CALHOUN again spoke against the amendment, and in reply to Mr. RANDOLPH's imputation of intolerance to the minority. This course of discussion he deprecated, as not comporting

with the sacred cause of distant and oppressed humanity, &c.

Mr. SMITH made some remarks in reply to an observation of Mr. RANDOLPH, that the donation by the British Parliament of a hundred thousand pounds to the sufferers by an earthquake in Portugal, some years ago, was an act almost sufficient to purchase absolution for all the sins of that Government. Mr. S. cited instances of similar conduct in this country, in much smaller communities; and expressed his regret that gentlemen chose to appreciate every act of other Governments, without allowing merit to their own for acts much more praiseworthy.

The question on Mr. RANDOLPH's motion to amend, was negatived—yeas 80, nays 74.

Mr. BLACKLEDGE proposed to add "corn and rice" to the flour to be exported.

Mr. MACON thereon modified his resolution so as to authorize the exportation of "provisions," instead of "flour," which would include all descriptions of breadstuff.

The question was taken on the first clause of the resolution, viz: so much as relates to Caraccas, and carried unanimously.

The question was taken on the remainder of the resolution, viz: so much as relates to Teneriffe, and negatived—for its adoption 47, against it 57.

So it was *Resolved*, That the Committee of Commerce and Manufactures be instructed to report a bill authorizing the President of the United States to cause to be purchased — barrels of provisions, and have the same exported to some port in Caraccas, for the use of the inhabitants who have suffered by the earthquake.

Mr. RANDOLPH adverted to the uncertainty as to the fact, which he supposed had caused the rejection of the clause of the resolution relating to Teneriffe, and offered the following resolution, in a form calculated to produce the proper inquiry:

"*Resolved*, That the Committee of Commerce and Manufactures be instructed to inquire whether any, and what relief ought to be extended to the inhabitants of the Canary Islands, who are suffering by famine occasioned by locusts."

Mr. NEWTON said, as this motion only proposed inquiry, and was not, like the other, peremptory, he hoped it would pass.

And the resolution was agreed to.

MONDAY, May 4.

*Relief for Venezuela.*

On motion of Mr. NEWTON, the House resolved itself into a Committee of the Whole on the bill for the relief of the inhabitants of Venezuela.

[The bill authorizes the President to cause to be exported such quantity of provision as he may think proper, for the relief of the inhabitants of Venezuela, suffering by the effects of an earthquake.]

Mr. NEWTON proposed to fill the blank for the appropriation with the sum of \$30,000.



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*Renewal of Patent Right.*

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Mr. PITKIN inquired for the official information, which might have been laid before the committee, on the subject of the distress existing at Caraccas.

Mr. NEWTON, in reply, said, that there were many private letters in confirmation of the facts, and also a letter from our Consul, &c. Some of which were read.

Mr. CALHOUN moved to fill the blank with fifty thousand dollars, which he thought would be little enough to effect the object in view.

The question on the latter motion was decided in the affirmative, 45 to 39.

The committee rose, and reported the bill; which was ordered to be engrossed for a third reading this day, which was subsequently done, and the bill passed.

WEDNESDAY, May 13.

*Recall of Absentees.*

Mr. WILLIAMS said he rose to make a motion, the object of which was in itself so clear, that he believed there was no necessity for illustrating it. There was but one objection that he was aware of, and that was, that there was no precedent for it; but if that should be urged, he would reply that there never was before a crisis requiring it. The motion was—

*Resolved*, That the Speaker be directed to address a letter to each member of the House now absent, requesting his attendance prior to the first day of June.

Mr. GRUNDY said the object of the motion, no doubt, was a correct one. He should, therefore, vote for the motion as it now stood, but would prefer a modification of it. On what particular day it would be proper to have every member in his place, could not be foreseen with certainty by any one. To fix on a day, however, would be as much as to tell the members we do not want them earlier, and would put it out of our power to act prior to that day. But, on the other hand, should we not be ready to act on that day, is it not pledging ourselves that we will then act, whether we are ready or not? It would be as well to request the attendance of members immediately, and then we shall not stand committed either to act on or before that day. He hoped there would not be an absent man on the occasion of voting the final measure; though he should consider such a vote as a completion of what was already begun, and not a determination of the course to be pursued, which question he considered as decided in the anterior measures already adopted.

Mr. ROBERTS said the call of the House met his perfect approbation; but, in its present form, he should be constrained to vote against it. He was not afraid that it would be considered a pledge to act on a certain day; but the members near home, after it was passed, would take the opportunity of the interval to visit their homes, and leave the House without a quorum. He, therefore, moved to amend the

resolution, so as to request the attendance of the members forthwith.

This motion was agreed to—ayes 47.

After some objections by Mr. STANFORD to the phraseology of the resolution, it was passed without a division, there not being more perhaps than five dissenting voices.

FRIDAY, May 22.

*Judge Toulmin.*

Mr. POINDEXTER, from the select committee, made the following report:

The committee to whom was referred the letter of COWLES MEAD, Speaker of the House of Representatives of the Mississippi Territory, enclosing a presentment of the Grand Jury of Baldwin county, in said Territory, complaining of the conduct of Harry Toulmin, Judge of the District of Washington, in said Territory, beg leave to submit the following report:

That the charges contained in the presentment aforesaid, have not been supported by evidence; and from the best information your committee have been enabled to obtain on the subject, it appears that the official conduct of Judge Toulmin has been characterized by a vigilant attention to the duties of his station, and an inflexible zeal for the preservation of the public peace and tranquillity of the country over which his judicial authority extends. They therefore recommend the following resolution:

*Resolved*, That it is unnecessary to take any further proceeding on the presentment of the Grand Jury of Baldwin county, in the Mississippi Territory, against Judge Toulmin."

The report was read and concurred in.

WEDNESDAY, May 27.

*Renewal of Whitney's Patent Right to the Cotton Gin Invention:*

The House resolved itself into a Committee of the Whole on the bill "for the relief of Eli Whitney."

Mr. BIBB avowed his opposition to the principle and details of the bill, and moved to strike out as much as provided for renewing Whitney's patent right to the machine for ginning cotton. Mr. B. said, that, although the bill assumed the character of a private act, it involved considerations of great national concernment. If, sir, said he, the committee will take the trouble to consider it attentively, in all its relations, I am persuaded the motion submitted will not have been made in vain. The object of granting patents is clearly defined by the constitution to be the promotion of science and useful arts. The effect of such promotion is obviously the advancement of public improvement and prosperity. All the authority which Congress possesses over this subject, is derived from the following provision: "Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." Here are two distinct propositions: 1. The delegation of power to promote science and useful

arts; 2. And a description of the *mean* authorized to be employed. The benefit proposed to inventors is evidently not the object in view, but the *mean* whereby the *end* may be accomplished; it is the incitement offered to genius and talent, for the purpose of general advantage; it is the price paid by the people of the United States for the *disclosure* of useful inventions. To legislate, therefore, correctly, on the subject, it is indispensable that this distinction between the *mean* and the *object* should be kept constantly in view. So long as patents are granted for the promotion of science and useful arts, the intent and meaning of the constitution are fairly pursued; but whenever they are allowed with any other view, there is a manifest departure from the limit of authority to which Congress is confined. Sir, the framers of the constitution were sensible that monopolies were odious every where, and that they would be particularly so to the people of this country. Hence the limitation imposed, which permits monopolies only in an expressly-defined case, and for a limited time. The constitution declares, that "all powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people." It is also the rule of construction, universally admitted, that the enumeration of powers excludes all powers not enumerated. I maintain, then, that the constitution having clearly designated the object for which, and the parties to whom, exclusive rights may be granted, for limited times, Congress is restrained within those precise bounds. If there can be a legitimate departure from them in one case, the restraint becomes wholly nugatory. The doctrine which deprives Congress of the power to establish banking monopolies, equally forbids them in every case, and for every purpose, other than those specified in the clause to which I have adverted.

If, therefore, I establish the position that the proposed renewal of Whitney's patent is neither intended nor calculated to promote science or useful arts, I shall have succeeded in showing that this bill ought to be rejected.

Permit me to inquire, in the first place, how the object of the constitution may be attained? By pursuing the principle which has heretofore governed the Legislature. The statute securing patent rights must be general in its application, holding out inducements to the inventive faculties of all, and prospective in its operation. It must grant monopolies for a limited time to *future* and not *past* discoveries. The term during which the exclusive rights shall continue, should be sufficiently long to afford the necessary incitement to the exertions of genius, to promise an adequate reward for the labor of invention. Whether fourteen years, as now fixed by law, be the proper term, is a question on which gentlemen may rationally differ in opinion. It is worthy of remark, however, that under the existing statute, the progress of invention in the useful arts has been more rapid

in the United States than in any other country on the globe. Still, if necessary, Congress is competent to extend by a general provision exclusive rights to *future* inventors for a longer time; but the renewal of a patent for a discovery already made and in use, stands on distinct grounds. In the one case, the progress of science and useful arts (the object for which alone patents are constitutional) would probably be promoted; but in the other, the invention being already made and disclosed, public improvement cannot possibly be advanced by taking away its benefit from the community. Is the object of this bill to promote science or the useful arts? The candor of its advocates will answer the question in the negative. It is to promote the interests of Mr. Whitney at the public expense—to convert the *mean* prescribed by the constitution into the *end*. If the renewal of a patent in a special case would furnish an adequate stimulus to the exertions of other ingenious men, it might be urged with some appearance of plausibility; but no man will assert that one or two accidental cases of this sort, out of the many thousand patents which are issued, would have any influence on the expectations of others. It follows, therefore, that the passage of the present bill will be a departure from the intent and meaning of that instrument, which is the fountain of our authority.

Sir, there is another view of this subject in relation to policy, to which I beg leave to ask the attention of the committee. In this widely-extended country, the pursuits of the people are various and diversified. In one section cotton is cultivated, in another hemp, and in a third wheat. Suppose patents are obtained for valuable improvements relative to these articles, either in the instruments of cultivation or of preparation for market. The patentees are entitled by law to exclusive rights for fourteen years. For the improvement concerning the article of cotton only, the patent is extended to twenty-one or twenty-eight years, as now proposed, while exclusive rights to the other inventions are permitted to expire. What is the consequence? The people of one section of the Union are subjected in their pursuits to the privations incident to monopolies, for that term; while those of another section similarly situated are exempted from all restraint at the expiration of the first patent. I appeal to the candor and magnanimity of this assembly to determine whether such a course of proceeding be not manifestly unjust, and utterly incompatible with that equality of rights guaranteed to the respective States. The constitution imposes uniformity of taxation for the purpose of avoiding the injustice and oppression towards particular States, which the extension of patent rights, in special cases, is calculated to produce. The fact cannot be disguised, that the operation of this bill will be to levy a tax on the people of Georgia, the Mississippi and Louisiana Territories alone; and if it passes, it will be owing to that circumstance. I know enough of human nature,

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and have seen much in the course of my acquaintance with legislative proceedings, to satisfy my mind, that if cotton were cultivated in a few large States, this bill would certainly be rejected. Does any man believe that if the large States of Virginia, Pennsylvania, New York, and Massachusetts, were concerned in this thing, as are those portions of the Southern country I have mentioned, the application of Mr. Whitney for a renewal of his monopoly would be successful? No, sir; and I urge this consideration for the purpose of showing the impolicy of extending patents in special cases, inasmuch as it puts it in the power of Congress by such a regulation to give a preference to one section of the Union over another, and because the power will never be exercised in cases affecting a particular and comparatively small portion of the community. Enact a general law on the subject of patents—make what provision you please in relation to future discoveries, and none can complain. Whether improvements shall be made interesting to this, that, or the other section of the nation, will be left to chance; when made, the monopolies will be equal in their duration, and all will be equally exempt from partiality or oppression.

There is another aspect, Mr. Chairman, in which the provisions of the bill now before the committee are manifestly unjust. The Legislatures of Tennessee and the two Carolinas purchased, during the term of Whitney's late patent, the right of using in those States his invention for ginning cotton. The fact will not be denied, that the price paid was proportionate to the extent of time for which the patentee held the exclusive right. Now it is proposed to regrant to Whitney the monopoly for an additional term of years, so far as relates to my constituents, while the three States I have mentioned are expressly exempted from its operations. It is true, the Legislature of Georgia did not enter into any arrangements with the patentee on the subject, but it will be perceived that all persons who erected machines without permission, during the fourteen years, are left by the bill subject to prosecution. The effect, therefore, will be to impose a restraint relative to the same object on one State for twenty-one or twenty-eight years, while other States are exempted at the expiration of half that term. I know, sir, that unfavorable impressions exist on the minds of many gentlemen concerning the conduct of Georgia in this affair; and I fear they may have much influence on the decision of the question. Whether the Legislature ought or ought not to have followed the example of the legislatures of other States, is a question which belongs exclusively to that body to determine. Your patent law imposed no obligation on the subject, and they had the right to do so or not, as they pleased. Having done nothing which they had not a right to do, and omitted nothing which they had not the right to omit, I cannot consent to any unauthorized control of this House over their proceedings.

That Mr. Whitney's invention has been highly important to the Southern country I freely admit, and that he deserves much for his useful labors, none can deny; but, if the conduct of Georgia has not been so liberal towards him as some gentlemen think it ought to have been, an apology may be found in the resentment which his conduct was calculated to excite. When his machine was first erected in Georgia, as I have understood, he refused to sell his patent right upon any terms or for any price. It was determined to monopolize every pound of cotton at an enormous premium, and arrangements were made for that purpose. To that circumstance, and the opinion which prevailed, that the invention was not new, is to be attributed the course of proceeding, now made the subject of complaint. The imprudence of Mr. Whitney, or, perhaps, of his partner, could not fail to have produced feelings of resentment rather than of liberality towards them. I repeat, however, that the conduct of Georgia has no connection with the present question. The United States never guaranteed to any patentee the receipt of any given sum for his invention, nor gave any pledge that his exclusive right should in no instance be violated. They have enacted laws for the security of patentees, provided a remedy for violations of their rights in all cases, and a tribunal before which that remedy may be sought. To that tribunal—the courts of the United States—Mr. Whitney should be referred for redress. This is not a time for exciting State jealousies and individual resentments among ourselves. Policy, and that conciliatory spirit which ought to guide our deliberations, unite in prescribing a different course, and I do trust that prescription will not be disregarded on the present occasion.

But, sir, there is still another and more important view of this subject, on which alone I probably might have relied. The patent of Mr. Whitney expired about four years ago, and an unqualified right to the invention was thereby vested (as I shall show) in the people of the United States. Under such circumstances, it is my purpose to prove the proposed renewal manifestly unconstitutional. I presume it will be admitted, that, without the provision of the constitution on the subject, and the law pursuant thereto, no exclusive rights would belong to inventors. It is true the inventor would be entitled to his particular machinery, but other persons would not be prohibited from imitating it, and consequently his right to his discovery would not be exclusive. In a state of nature, occupancy gives a right to soil, upon the ground of supposed labor on the part of the occupant in taking possession. The right and the occupancy, however, are inseparable. If the latter be abandoned, the former ceases to exist—the soil becomes common to all, and may be appropriated to another's use. The natural law in regard to inventions is the same. So long as the inventor is alone in the possession of a knowledge of his discovery, he is the occupant,

and has an exclusive right. But the moment he *discloses* that knowledge to the public he abandons his occupancy, and the invention becomes subject to the use of others. This principle is recognized by the constitution itself, and fully established also in other countries. The express delegation of power to secure to inventors the exclusive right to their discoveries, admits that without it no such right would exist after disclosure. In Great Britain the doctrine is perfectly settled. If gentlemen will turn to the famous case of literary property, *Millar vs. Taylor*, which was argued with great ability, and decided with unusual deliberation, they will be satisfied of the fact.

The court were divided on the particular question pending before them, and gave their opinions separately and very much at large. On that occasion it was determined that the publication of a literary work did not of itself divest the author of the exclusive right, nor authorize others to republish it for their advantage without his consent. But it was admitted, as a point fully and entirely settled, that the principle did not apply to mechanical inventions; that the disclosure of a mechanical invention did divest the inventor of his exclusive right to such inventions, and that the public became entitled to all the benefits which could be derived from it. A later decision of the highest courts of the Kingdom on another case, has placed the question of literary property on the same footing with the mechanical inventions. The principle of these decisions is, that the disclosure of an invention amounts to a relinquishment of exclusive use, it is an implied right to the public. And if such be the doctrine in Great Britain, under a Government the foundation of which is monopoly and exclusive privileges, it cannot be otherwise among this people, the fundamental principle of whose Government is, equality of right and exclusion of monopolies. I contend, then, sir, that if the disclosure of an invention vests in the public a right to use it without restraint, much more strongly is that right vested after the expiration of a patent. In the one case the public are invested with a common or equal right by an implied gift, and in the other by contract. The very condition on which patents are granted is, that, at the expiration of the term authorized by law, the people shall be entitled to the free use of the invention; and, to secure this right to the people, such a specification of the machinery employed is required at the time of issuing the patent, as will enable others to understand and imitate it with success. Need I undertake to prove that, from the moment Whitney's patent expired, his exclusive right ceased to exist? None will deny the fact. Is it necessary to show that the right which was exclusive during the patent, is now the common right of all? It will be admitted that every man in the United States has at this moment as perfect a right to erect gins on Whitney's plan, as to build a house or make any imple-

ment of agriculture. The question then presents itself, has Congress the power to divest the people of that right? I say no, sir; to renew a patent after it has expired, is to establish a new principle unauthorized by the constitution. To secure a pre-existent right is one thing, but to divest the people of the United States of their right, and vest it in an individual, is quite a different affair. "Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." What is the import of this provision? An inventor while in the sole possession of the knowledge of his invention has the exclusive right to it, without the intervention of law; but when that knowledge is disclosed to the public, the exclusive right would cease to exist. Therefore, for the purpose of affording a stimulus to ingenuity, and of obtaining disclosures of useful discoveries, Congress is authorized to provide by law for securing that exclusive right for a limited time after disclosure, which previously existed in the inventor, and which enabled him forever to withhold his invention from the public. The disclosure is the great object to be attained; the security of the exclusive right before existing, but which would be lost without such security, by the act of disclosure, is the mean authorized to be employed. Is there no difference between protecting an existing right, and taking away a right from one party for the purpose of vesting it in another party? The States composing the Union are now entitled to the benefit of Whitney's invention, and may make whatever regulations concerning it, within their territorial limits, they please. Will it be said that because the power is delegated to Congress to promote useful inventions and to obtain their disclosure to the public, by holding out the inducement resulting from the security of a monopoly for a limited time, therefore the States may be constitutionally deprived of their unquestionable rights? Surely not. Hence, I conclude that the power of Congress over this subject has terminated by their own act, and that to resume it would be an unconstitutional encroachment on the rights of the respective States. Sir, the power given to Congress on the question of patents is similar in extent and in every other view to that which in England is vested in the King. He is empowered to grant patents for new and useful inventions for a limited time, but it is held that when that time expires, such inventions belong to the public. "If a patent be granted in case of a new invention, the King cannot grant a second patent, for the charter is granted as an encouragement to invention and industry, and to secure the patentee in the profits for a reasonable time; but when that is expired, the public is to have the benefit of the discovery."—10 *Mad. Eep.* 110. It is also laid down in *Bull N. P. 76*, that among the general questions of patents, the first is—"Whether the invention were known

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and in use before the patent." Such is the English law, and the statutes of the United States heretofore passed are founded on the same principle. The existing statutes make it an indispensable condition to securing an exclusive right, that the invention shall not have been "known or used before the application;" for a patent itself reads thus: "Whereas A. B., a citizen, &c., hath alleged that he has invented a new and useful improvement, being [here insert a description of the invention] which improvement has not been known or used before his application," &c. It is then perfectly clear, that our predecessors who have legislated on this subject considered a public disclosure of an invention an abandonment of all claim to the exclusive use; that they understood the object of the constitution to be the advancement of national improvement; and that when the public are in possession of any important discovery they could not be divested of it. Suppose the inventor of that useful instrument the screw-angur, who was an inhabitant of New England, and who never solicited a patent for it, should now make application. Your law excludes him because his invention is known and in use. And I call on gentlemen to show how the progress of science or useful arts, or individual justice, would be less promoted by granting a patent in that case, than in the present application. Certainly a man is not less entitled to the bounty of Congress who has given to the public the results of his labors, than he who has enjoyed the benefit of a monopoly for fourteen years; nor will it be asserted that the right of the community to an invention is less complete from the expiration of a patent, than from the bare act of disclosing it.

Mr. SKYBET said he did not know that the bill for the relief of Mr. Whitney could be acted upon this day; indeed, it was not his intention to make any observations on the subject, until the motion for striking out a portion of the bill was made by his friend from Georgia, (Mr. BISS;) he therefore hoped the House would pardon him for the desultory and confused remarks which he should impose upon the patience of the House. He came from a State whose interests were nowise concerned in this question, and therefore he stood as an impartial advocate in favor of the patentee; his feelings could not permit him to remain quiet on the question; by him the machine of Mr. Whitney was viewed as a stupendous monument of human invention—great mental exertion alone could produce results like this, and he appealed to the House as to the propriety of granting the prayer of the petition as reported in the bill. It was, he conceived, not a favor, but justice, which the passage of this bill would render to Mr. Whitney. If he was correctly informed, Mr. W. received but a trifling compensation for his labors; that, in the case of the State of Georgia, he expended \$20,000 more in prosecuting law-suits, than he had ever been paid in that State. Mr. S. continued—he was

informed that in South Carolina Mr. Whitney had met with some persecution; the assembly of that State originally purchased the right to use the machine for the sum of \$50,000, which was to be paid by regular annual instalments. In the following year Mr. W. visited South Carolina for the purpose of receiving the second instalment, when, instead thereof, he discovered that a Legislature lately assembled had repealed the law formerly enacted on the subject; and, instead of receiving a second instalment, the Legislature ordered that he should be prosecuted for the recovery of that which he had before received. Mr. W. was saved from prison by the interference of some private gentlemen. [Here Messrs. WILLIAMS and CREVIER rose, and in conversation explained to the satisfaction of Mr. S. that the statement made was not accurate; that the delay and difficulties caused by the proceedings of the Legislature of South Carolina, were owing to well-grounded suspicions, at that time, that Mr. W. was not the inventor of the cotton gin, and that he had in some respects failed to comply with the conditions prescribed by the law.] This explanation was satisfactory to Mr. S., and he observed, had he known in time that he would have taken a part in this debate, he should have considered it his duty to consult his friends from South Carolina on this subject. He further stated that Mr. W. had informed him that, in the final adjustment of this affair, the State of South Carolina had rendered him ample justice. He regretted the necessity of mentioning States in debate—he would quit this part of the subject, and proceed to communicate those facts which had made an impression on his mind in favor of the bill. He would first quote the authority of Judge Johnson in his decision of the case of *Whitney vs. Carter*. Here Mr. S. read as follows, from page 128: "With regard to the utility of this discovery, the court would deem it a waste of time to dwell long upon this topic. Is there a man who hears us who has not experienced its utility? The whole interior of the Southern States was languishing, and its inhabitants emigrating for want of some object to engage their attention and employ their industry, when the invention of this machine at once opened views to them, which set the whole country in active motion. From childhood to age, it has presented us a lucrative employment. Individuals who were depressed with poverty, and sunk in idleness, have suddenly risen to wealth and respectability. Our debts have been paid off; our capitals increased, and our lands are trebled in value. We cannot express the weight of obligation which the country owes to this invention; its extent cannot now be seen." These were the sentiments of a gentleman residing in the State of South Carolina; from this their justness may be estimated. Mr. S. continued—he could not stop here. Foreign writers prove the absolute necessity of this machine, to bring the particular species of cot-

ton to market, which constitutes nine-tenths of that which the United States could furnish. He would, in proof of this declaration, read from Edwards' History of the West Indies, vol. 2, page 265, as follows: "Green seed cotton is of two species; of one of which the wool was so firmly attached to the seed, that no method has hitherto been found of separating them, except by the hand; an operation so tedious and troublesome, that the value of the commodity is not equal to the pains that are requisite in preparing it for market. This sort, therefore is at present cultivated principally for supplying wick for the lamps that are used in sugar boiling, and for domestic purposes; but the staple being exceedingly good, and its color perfectly white, it would doubtless be a valuable acquisition to the muslin manufactory, could means be found of detaching it easily from the seed." Whilst the mind of Mr. Edwards was thus occupied in London, that of Mr. Whitney in the United States effected this valuable desideratum. Mr. W.'s machine was brought to perfection in 1792. Mr. S. dreaded the further fatigue of the House, but he could not refrain from stating some additional facts. Consult, said he, your Treasury reports, and there you will find that, in the year 1810, there was exported from the United States 98,000,000 pounds of cotton, of which 84,000,000 pounds was of the species mentioned by Edwards. Without the gin of Whitney, or some machine equivalent thereto, not a single pound of the 84,000,000 pounds could have been sent abroad—thus would the United States have found themselves deprived of the annual income of \$15,000,000, without taking into view 18,000,000 pounds of cotton consumed in our country. Can we do too much for this man? Let us render him but ordinary justice and pass the bill. Let us, said Mr. S., consider the benefits resulting from the application of useful machines in Great Britain. Take a view of that of Arkwright. If, said Mr. S., his memory did not deceive him, in the year 1755 the cotton manufacture of Great Britain was ranked among the lowest of her domestic branches, and did not value more than £200,000 sterling annually; in 1809, that nation derived thirty millions pounds sterling from her industry in this way. England well knows her interest, and she fosters her arts. Let us in this respect follow her example, by doing justice to the genius of our countrymen. But for the spinning machinery invented by Arkwright, and the gin of Whitney, the cotton manufacture might at this time remain in a state of comparative obscurity. Very little will be observed on the constitutionality of the question. He would apprise his friend from Georgia of an error which he had fallen into, in confounding monopolies with patent rights. In the United States they were distinct things; and whilst on the one hand the Constitution of the United States has guaranteed to inventors their inventions, in its spirit and letter it is opposed to monopolies. The renewal of a patent, said Mr. S., was not unpre-

cedented, it was a common thing in England and France; and, in the United States, the cases of Evans and Whittemore furnished us with examples of the transaction by the Congress of the United States. Mr. S. said he would finish his remarks with the expectation that the House would pass the bill as reported.

The committee rose, and had leave to sit again.

THURSDAY, JUNE 11.

*Amy Dardin.*

The House then resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Amy Dardin, that it is reasonable, and ought to be granted. After some debate, the committee rose, and reported their agreement to the report; which was, after debate, concurred in by the House. For the report 64; against it 42.

MONDAY, JUNE 22.

*Additional Duties.*

An engrossed bill for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, was read the third time, and recommitted to a Committee of the Whole to-day.

The House accordingly resolved itself into a Committee of the Whole on the bill; and, after some time spent therein, the Committee rose and reported the bill to the House without amendment.

Mr. BIGELOW.—Mr. Speaker, it is well known that I have been uniformly opposed to the measures which have drained the Treasury of its money—more particularly to those measures of the present session, which have rendered necessary such large appropriations, and laid the foundation for an expense which no man can calculate. But, sir, as those appropriations have been made; as expenses have been and must be incurred; the means of payment must be provided. Sir, I hold it to be a sound political principle—a principle from which this Government never ought to depart—that the creation of public debt ought to be accompanied with the means of its extinguishment. This principle was strongly recommended in the administration of WASHINGTON, by the then Secretary of the Treasury, in a report to Congress on the subject of finance. He stated it to be the true secret for rendering public credit immortal, and expressed a fervent hope that the Government of the United States would always adhere to it. The arguments in favor of this principle are plain and obvious. The public credit must be supported, or the Government will lose the confidence of the people. The public credit must be supported, or you put at hazard the best interests of the country; you hazard, indeed, the very existence of the Government. In popular Governments there is always a reluctance to laying burdens upon the people. If, then, while creating a public debt, we neglect to provide

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the means of payment, what will be the consequence? Will it be less difficult or unpopular to do this after the debt has accumulated to an enormous amount? No, sir. Depend upon it, the longer you delay to provide the means for discharging the public debt, the greater will be the risk and difficulty of doing it. What will be the consequence of such neglect? Sir, the country will be deluged with Treasury notes; these notes will depreciate, like the old continental money—the whole history of which every one, acquainted with the history of the Revolution, knows to be a history of public and private frauds. Sir, the floodgates of corruption will be opened upon us. Already, sir, tigers and sharks are feasting, in anticipation, on their prey.

Impressed, as I am, with the importance of the principle, that the creation of public debt ought to be accompanied with the means of its extinguishment, I confess it was with no little astonishment I learnt, that doubling the duties on imported articles was the only means to be provided; that, after the House had solemnly resolved upon a system of taxation, embracing various subjects, and intended, as was stated, to equalize upon the people of the different States, as far as possible, the burden of taxation, that only one of those has been selected, and that one the most unjust, the most unequal, and the most mischievous of the whole. These remarks are not made, Mr. Speaker, from an apprehension that doubling the duties on imported articles will not effectually open the eyes of the people. Sir, it will be the most unpopular tax you can impose. The people of this country—particularly the eastern sections of it, upon whom this tax will bear peculiarly hard—are too enlightened not to know, to see, and to feel, the operation which an additional duty of 100 per cent. upon imported articles will have upon them. They are too enlightened not to know that this will be but the beginning of sorrow. Neither, sir, are they so ignorant as not to know that the five millions of dollars which it is calculated to raise by doubling the duties, will not discharge a loan of eleven millions, and Treasury notes to the amount of five millions more; much less that it will defray the expenses of the war. Yes, sir, they will at once see, that, sooner or later, other taxes must and will be resorted to. The true policy, then, of the United States is, in the outset, to lay the foundation of a sure and certain revenue, and not to depend, in a state of war, upon a revenue to be derived from a source so uncertain as that of commerce. My objection is not that revenue ought not to be raised, but to the present mode.

I have stated, sir, that this is an unjust measure. Let us for a moment look at its operation. There is, probably, at a moderate calculation, seventy millions' worth of imported goods now in the United States, which have paid only the present rate of duties. Taking the calculation of the Secretary of the Treasury as correct, that thirty-five millions of imported

goods yield a revenue, at the present rate of duties, of five millions, the seventy millions now in the United States have paid duties to the amount of ten millions.

What then will be the consequence of passing this bill? The owners of the imported goods now in the United States are men who understand their own interest. The moment, therefore, you pass this bill, and impose double duties upon goods to be imported, the owners of goods now on hand will increase the price as much at least as the amount of the present rate of duties. The purchasers of these goods, therefore, will have to pay to the owners ten millions of dollars more than the present value. You will of course lay a tax of ten millions of dollars upon the purchasers and consumers of these goods, without benefitting the Treasury a single cent.

Does this, sir, comport with the principles of justice? Is it right to take from one part of the community ten millions of dollars and put it into the hands of another part? In opposing this measure, I am not advocating the interest of the merchant, but of the farmer, the tradesman, and mechanic. I am not willing that the people whom I represent, in addition to the taxes they must pay to carry on the war, should also pay such an enormous tax to the merchant.

Mr. MITCHELL expressed his sentiments as being favorable to an augmentation of the duties on imports; though he was quite unprepared to give his assent to such increase in the terms proposed by the bill.

It is therein proposed, sir, to double the existing customs. I think this is not the best way of accomplishing the object intended. The bill is brought before us for the avowed purpose of raising money. The mode proposed is, by an addition of one hundred per cent. on the sums levied upon imported merchandise. Now, although I am friendly to a revision of our tariff, and to such an amendment of it as will materially increase the receipts at the Treasury, I am very far from believing the method now proposed for that purpose is the one we ought to adopt.

I object to the plan, because it takes for granted that the rate of duties now extant in our statutes is precisely what it ought to be. This I humbly conceive is not the fact. A brief recital of our commercial system inwards, will show it. The impost, until the adoption of the constitution of 1787, belonged to the respective States. When the Government went into operation in 1789, it took the direction and the profits of the custom-houses. One of the earliest acts of the legislators, which, on that occasion, assembled at New York, was to fix the sums which each denomination or parcel of foreign merchandise should pay on being admitted into our country. This was done, in the first instance, with all the skill which the patriotism and intelligence of the members of the first Congress permitted. From session to session, and from time to time, it was altered and

improved. The last memorable amendment, was, if I recollect right, in the year 1804. Then, a variety of articles which had paid an *ad valorem* duty were *specifically* enumerated and charged with duties conformably. At that time our tariff was admirably calculated to answer its several purposes. Much thought and profound knowledge had been bestowed, to mature it, and render it as complete as possible. It was at that time peculiarly and happily calculated for the good of the nation.

But eight years have elapsed since that table of duties was arranged. During that term, prodigious changes have taken place in the commercial world. The principal part of the European Continent, from the Baltic to the Mediterranean, and from the Atlantic to the Adriatic, have bowed to the sovereignty of the Emperor of the French. He has published his modern and enormous tariff, and caused it to be enforced throughout his extensive dominions. Tobacco, cotton, and other great articles of American produce, have been subjected to excessive and almost prohibitory imposts.

Memorable alterations have been made, during the aforesaid period, in the insular tariff—I mean of the British dominions. Their regulations, as relate to lumber and the heavy materials of our growth, as well as to the exportation of their own manufactures, have been materially tightened and straightened. Their charges for convoy, port accommodations, light-houses, and quarantine, are exceedingly heavy. It is high time they should be examined, and thoroughly understood.

A great change has also taken place in the colonial system. France has lost Martinique, Guadaloupe, and the Isle of Bourbon. Neither the East nor the West Indies contain any provinces owing allegiance to the Corsican Emperor. All the rum, sugar, coffee, and molasses of those productive regions, were now English—and with the English nation we were now at war. In like manner, the Batavian colonies had been forced to submit to the Mistress of the Seas; and Guiana, the Cape of Good Hope, Batavia, the Spice Islands, and all the other foreign possessions of the Dutch, had yielded to her conquering power. All their productions were now Anglican; and we could only obtain them from or through an enemy.

Our own country had been transformed, during the last eight years, into a situation exceedingly different from what it had ever been before. It has taken many strides towards independence. The soil has been more profoundly explored, and found to contain innumerable and invaluable productions, which the mineralogist examines with pride, and the economist turns to profit. The forest and the fields have been proved to rear more indigenous plants, and to be capable of maturing more exotic ones, than any observer had supposed. And the arts, trades, and manufactures, which have arisen among us, have progressed with a thriftiness of which I can cite you no example.

Mr. M. then took a survey of the three great purposes intended to be furthered by the duties on imported merchandise. The first of these was the collection of money for the Treasury; the second, was the countervailing of other nations, by accommodating our duty to theirs; and the third was to protect our infant and growing manufactures. He contended that the mode proposed by the bill now before the House was very imperfect in all these relations. It was unskillfully devised. It did not contain those evidences of care and sagacity that ought to beam in every feature. He was not willing to legislate in this way—by a hop, step, and a jump. He wished the tariff to be varied in such a manner as to suit the actual state of things, and the existing condition of society and business. With such vast changes in the commercial and manufacturing departments, both at home and abroad, who could reconcile himself to a regulation, now antiquated, and differing almost *toto calo*, from the real desideratum.

Double duties on articles where great value was united to small bulk, as in watches of gold and silver, and in precious stones, pearls and jewelry of all kinds, might be an inducement to smuggling. Already we know the temptation was too great to be resisted under the present duties, and if they were augmented to the amount proposed, what evasions might not be feared?

Mr. BLEEKER.—Mr. Speaker: I was happy to observe on Saturday that the vote of the majority was not so uniform on this bill as usual. This circumstance very much fortifies the arguments urged against it on this side of the House, and proves that the opposition cannot be referred merely to the spirit of party. Indeed, sir, the objections to the increase of duty contemplated by this bill are so palpable and obvious to my mind, that I still hope it will not finally pass. It will be unequal and unfair in its operation in many respects. It will give a vast advantage to the merchants who now have goods on hand over those whose goods are not yet in the country, and which will be imported after the passage of this bill. The additional duty will by the former be added to the price of the goods, and thus an enormous profit will be given them. But this is comparatively a minor consideration. It is to be regretted, sir, that we have not a fair, just, and equal system of internal taxation, judiciously devised, with a wise reference to the feelings and temper of the people. But, in all our late plans and schemes, we appear to go on without any reference at all to the temper and feelings of the people. A revenue derived altogether from duties on imports must always be unequal in its operation on different parts of the country, and different classes of the community. There will be districts of the country—there will be whole States—in which manufactures will be carried on to a great extent; while other parts of the country, and other States, have few or no manufactures. In this respect there will be a se-



MAY, 1812.]

*Additional Duties.*

[H. OF R.]

ious inequality between manufacturing and non-manufacturing States. Again, sir, it is said that the duty will be paid by the consumer. But it is not invariably true that the consumer pays the duty. The whole of it is sometimes paid by the consumer; it is sometimes divided between the importer and consumer, and not infrequently falls altogether on the importer. This depends on a variety of circumstances—principally the state of the market. When the market is overstocked, a great portion of it must fall on the merchant. There must often be in this country a state of things which renders it difficult or impossible to add the amount of the duty to the price of the commodity. What the state of things, and what the market will be during the war, for which this revenue is to be provided, it is difficult to foresee; for that sort of a war we are to have, no one can tell. It will perhaps be another anomaly furnished by American politics. I believe, however, by the way, that gentlemen, who expect much of “the pride, pomp, and circumstance of glorious war,” will be much disappointed.

But, sir, admitting with the gentlemen on the other side, that the additional duty provided by this bill will be paid by the consumers of imported articles, if the consumption is much more in one part of the country than in another, the burdens of the war will be imposed very unequally and unjustly. Now it was proved to demonstration by the intelligent and accurate gentleman from Connecticut, (Mr. PERRY,) that the consumption of imported articles is much greater in one section of the country than in the other. His statement and arguments on this subject have not been denied. Indeed, the candid and honorable gentleman who advocated this bill on Saturday, (Mr. BISS,) admitted that it would not operate equally. It will impose the burdens of the war on the Atlantic, the commercial, States. It is true, sir, that many imported articles are consumed in every part of the Union. Tea and coffee, as the gentleman from Pennsylvania (Mr. SMITH) told us, are used in the Western country. But the great consumption of foreign goods is in the Atlantic States; and, more than anywhere else, in the Northeastern section, the most commercial States.

I know, sir, that this topic is regarded by many gentlemen as ungracious and invidious. But legislating as we are for a confederated Republic, it is worse than idle not to regard the character, situation, and interest of the people in the several sections of the Union; and I ask gentlemen who are so ardent in the war, whose bosoms seem to glow with patriotic fire, is it just and fair to abandon the internal taxes and impose so much of the burden of the war upon the people of the Northern and Eastern States, the majority of whom are known to be opposed to it; whose hearts and souls are not in the business; who are driven, and dragged, and forced into a war, in which they will go with you no further, nor any longer, than a patriotic obedience to the constitution and laws of the

country requires; a war which they consider unwise, impolitic, inexpedient, and ruinous; a war which must annihilate their commerce; that commerce to which they owe their rapid progress in population, in the arts of civilized life, in knowledge, in literature, in all that adorns and makes society valuable and interesting? From this people, in such a war, you have little to expect. While we are talking of the protection of commerce and the violation of neutral rights, they see us adopt the most effectual means to destroy all their commerce.

Another objection of no little importance, that has been urged against this bill, is its tendency to promote smuggling. Before the restrictive system, which, however well meant by many, has proved so inefficacious and ruinous, we had in this country a system of commercial morals, of which we had much reason to boast. Such was the purity and fairness of the mercantile character that in no other country in the world was the revenue arising from duties on imports so punctually paid, so easily and cheaply collected, and with the aid of so few officers. But the unfortunate policy adopted in 1806 has destroyed the purity and elevation of commercial morals. Evasions and violations of the laws are no longer disreputable. And what, sir, must be the situation of a country in which a constant evasion and open violation of the laws are not reprobated by public sentiment. The moral and patriotic observer will see with pain and mortification that we are about to add to the temptations to increase the stimulus to evasions and violations of the laws, still more to debase and degrade the commercial character of the country.

There is, sir, another important view of the subject before us at this moment. The increase of the duty, a reliance upon the impost as the means of supporting the war, in connection with the abandonment of the internal taxes, affords an instructive practical lesson on the nature of our Government. It teaches you that it is unfit for the purposes of foreign and offensive war. If gentlemen are now afraid to impose the taxes, they must believe that the people will not bear them. And, indeed, sir, few cases will occur in which the people will submit to support the burdens of an offensive war. Seldom will the Government be able to carry on such a war. But, sir, the conduct of those gentlemen of the majority who are for imposing additional duties and abandoning the taxes, proves another thing. If, when they have just entered upon the war, they hesitate, and are afraid to exact of the people the means necessary to carry it on, they must be conscious that the war is not so popular as they have imagined, for if the people are so hearty in the business as gentlemen have professed to believe, if they think the war a wise, politic, and necessary measure, they cannot be unwilling to be taxed a little for its support.

Mr. BAXTER.—Mr. Speaker, the protection and the regulation of commerce has become a

prime object of legislation. This bill provides for the doubling of the duties on all imported merchandise.

Sir, the restrictive system has operated very severely on the commercial part of the community—it has been the source of much complaint. The commercial class of our fellow-citizens have been oppressed; they have been impoverished by the policy of their own Government, and they have been soliciting their rulers for relief. They complained of the first embargo; what did they get? why, non-intercourse. They complained of the non-intercourse, and you soon gave them non-importation; when they complained of the non-importation, they had, in addition to the evil complained of, a second embargo. They then complained and prayed for the repeal of both these laws, and you have given them a declaration of war—an open war against the United Kingdom of Great Britain and Ireland, and the dependencies thereof. They complain of this war, and you give them double duties on all imported merchandise.

Sir, commerce, and the regulation of commerce, have become the Alpha and the Omega; it is the cause of war—it is the professed object and end of war; and by this bill, you are making provision for this very class of citizens, who have been thus complaining, oppressed and impoverished, to support the war by paying double duties.

Mr. Speaker, this increase of impost is a tax which, in my opinion, will operate unjustly and unequally. It is imposing a heavier burden on the Eastern and Northern, than on the Southern and Western States.

The former are under the necessity of importing and of consuming more of the foreign manufactures, than the Southern States; and though they are a hardy race, they are not able to encounter the severities and rigors of the Northern winters without a much greater quantity of clothing than is necessary for the people in the Southern climates.

Sir, the people in the Eastern States have been reduced in their supplies; they have not been able to carry on their ordinary domestic manufactures for want of the necessary means to prepare the crude article for manufacture; and during this long session they have been memorializing Congress, and praying that they might be allowed to import the article of wire, and of such size as is not manufactured within the limits of the United States, for the making of cards, necessary to prepare cotton and wool for the making of cloth; but they have not been permitted. Many have solicited Congress for leave to import such goods and merchandise as were ordered and paid for before the issuing of the President's proclamation in November, 1810; but without success.

Mr. POTTER was in favor of a recommitment, but for other reasons than those assigned by the mover. He wished it referred, to give an opportunity to ascertain the sentiments of the House on the subject of the repeal, or the

partial suspension, of the present non-importation act.

Mr. P. said he had found more pleasure in the pursuit of many of the things of this world, than in the possession of them; and he found it, in some measure, so with those who had been very zealous in the pursuit of war. They appeared to him to have taken more pleasure in the pursuit of their favorite object, than in the enjoyment of it; and he was not sorry to see that the war spirit had already begun to evaporate, and the cold calculating spirit, so much reprobated at the commencement of this session, becoming more fashionable.

Mr. P. had been induced to believe from the zealous patriotism displayed this session, that this was to be a fighting, and not a trading war; that those who had so generously pledged their lives in support of the present war, would have had an opportunity of fighting, and that those who had in the same manner pledged their fortunes in support of any measure adopted by the Administration, would have an opportunity of paying.

Mr. P. thought we had commenced this war for the protection of our commerce and the encouragement of our manufactories, and not for the purpose of extending the commerce and encouraging the manufactories of Great Britain; as by this war, with the partial importation act, (contemplated for the purposes of revenue,) we at once destroy our own commerce, by placing in the hands of the English the greatest part we have at sea, leaving the remainder useless, to rot at our wharves. We destroy our manufactories of cotton by the strange selection, in our partial importation act. We give to Great Britain advantages in this war, that she has not enjoyed in time of peace. We surrender to her what many say she has been contending for—the commerce of the world—by giving her an opportunity of supplying us with her merchandise under the flag of her friends; and, in the first onset of this war, implicitly acknowledge our dependence upon them; that we cannot do without their manufactures to clothe the nation, nor without their commerce, to raise a revenue to carry on the war. Mr. P. said, if he had been in favor of this war, it would have been painful to him to be compelled to acknowledge that the people in this country, who pretended to sigh so much for war, would not bear the least privations, or consent in any event to pay taxes, but must depend upon their enemy to clothe them, and to furnish them with an indirect commerce to raise a revenue to fight them with. Mr. P. said a war thus carried on must be without an object—very ruinous to this country and of long duration; for, if Great Britain can send her manufactures into the United States at high prices, and purchase our produce almost at her own price, and be the exclusive carrier, both ways, in her own ships, under the flag of neutrals entirely under her control; she can have no object in making peace.

Mr. P. said if the non-importation act should

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*Naturalization Laws.*

[H. OF R.]

be repealed or suspended in part, agreeable to the letter of the Secretary of the Treasury, and we are to have a trading war, we shall have a revenue sufficient to answer all our purposes, without increasing our duties at all, as we can disband our army and reduce our expenses, as the difference of expense between a trading and a fighting war will be so great that the present rate of duties will answer all our purposes; but, if the non-importation act should not be repealed or suspended, we shall have no importations of importance for the double duties to operate upon; for, if you double your duties under such circumstances, by which you raise one million of dollars, what is the operation upon the consumer? Allowing, which is certainly the fact, that the whole amount of goods in the country at this time is equal to one year's importation, which would have given the Government a revenue of at least fifteen millions of dollars, the present holder of the goods in this country will immediately add the double duties to his present price, which will be increased in consequence of the war; so that the consumers will have to pay the present holders of the goods now in this country at least fifteen millions of dollars, of which the Government's obtaining one million of dollars on future importations, you compel the consumer to pay at least sixteen.

Mr. P. said he would for a moment examine the letter from the Secretary of the Treasury on the subject of revenue, recommending a partial suspension of the present non-importation act. He calculates that, by doubling the duties on such partial importation, allowing that we should import only half as much from Great Britain in time of war as in peace, that the duties would amount to the same. Here again, you have no mercy on the consumers; as the operation in the first place will be to give Great Britain double her prices for her goods, on which the Government gets double duties, all which is to be paid by the consumer, when the price of his produce is to decrease in much the same proportion.

Mr. P. had heard much, on former occasions, about the encouragement of our manufactories, and, although he never was himself for encouraging them at the expense of the farmer, or the depression of our commerce, yet he could but lament that, after the commercial spirit of the country was almost broken down, and many of our commercial and seafaring citizens had been compelled to quit their former employment and resort to manufacturing for the support of their families, that the labor of that valuable class of citizens were next to be assailed; for, in examining the bill on our tables, in consequence of the letter of the Secretary of the Treasury, recommending the partial importation, what will be the effect upon the cotton factories? All cotton cloth under fifteen pence and over three shillings per square yard, prime cost, is to be prohibited, and all between these two prices are to be imported, so that the quality almost ex-

clusively manufactured, and in general use in this country, is to be permitted.

Mr. P. thought this a very left-handed way of encouraging the manufactures of this country; but it seems as though every consideration in time of war as well as peace, is to be sacrificed for the purpose of collecting money from the people in a manner the most likely for them to remain in ignorance of the burdens that the Government imposes upon them.

A motion was then made by Mr. RANDOLPH to amend the bill by striking out the words "one hundred" before the words "per centum" in the first section; and the question thereon being taken, it was determined in the negative—yeas 50, nays 75.

SATURDAY, JUNE 27.

*Naturalization Law.*

Mr. LACOCK said that he should not offer any subject for the consideration of the House at this late stage of the session, had he not been convinced the subject was such as required the immediate interposition of Congress. It would be found, by an examination of the naturalization laws, that, after the declaration of war with Great Britain, the courts were prohibited from naturalizing any foreigners, although they might have registered their names and resided in the country during the probationary period required by law. To these persons, it appeared, the Government was pledged, and the change of the relation between the two countries, did not lessen the obligation the Government was under to redeem that pledge, and admit those persons to the rights of citizens. It would, moreover, be recollected that, by the State laws, those persons were made subject to perform militia duty, and that, as volunteers, or otherwise, they would compose a part of our Army; and, perhaps, while in this situation, might be taken and punished as traitors by their Government. No apprehension of danger could be entertained by their admission to the rights of citizens. They were, most of them, attached strongly to our Government, and sought this country as an asylum from oppression, &c. He was, by these considerations, induced to offer the following resolution:

*Resolved*, That a committee be appointed to inquire into the expediency of so amending the naturalization laws of the United States as to admit to the rights of citizenship such aliens as have emigrated from the United Kingdom of Great Britain and Ireland and her dependencies to the United States or her Territories previous to the eighteenth day of June, 1812, and that the committee have leave to report by bill or otherwise.

The resolution was agreed to, and Messrs. LACOCK, EMOTT, and TROUP, were appointed a committee accordingly.

MONDAY, July 6.

*Adjournment.*

A message from the Senate informed the House that the Senate have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, and inform him of the proposed recess of Congress; that the President of the United States did, this day, approve and sign "An act respecting the pay of the Army of the United States;" and that the Senate, having completed the legislative business before them, are ready to adjourn.

Mr. NEWTON, from the committee appointed

to wait on the President of the United States and inform him of the proposed recess of Congress, reported that the committee had performed that service, and that the President answered, that he had no further communication to make.

*Ordered*, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now ready to adjourn; and that the clerk do go with the said message.

The clerk accordingly went with the said message; and, having returned, the Speaker adjourned the House until the first Monday in November next.

## CONFIDENTIAL SUPPLEMENTAL JOURNAL

OF SUCH PROCEEDINGS OF THE FIRST SESSION OF THE TWELFTH CONGRESS, AS DURING THE TIME THEY WERE DEPENDING, WERE ORDERED TO BE KEPT SECRET, AND RESPECTING WHICH THE INJUNCTION OF SECRECY WAS AFTERWARDS REMOVED BY ORDER OF THE HOUSE.

WEDNESDAY, April 1, 1812.

A *confidential* Message was received from the President of the United States, by Mr. COLES, his Secretary; which he delivered in at the Speaker's table: Whereupon, the House was cleared of all persons except the Members, Clerk, Sergeant-at-Arms, and Doorkeeper, and the doors were closed.

The Message was then read at the Clerk's table, and is as follows:

*To the Senate and House of  
Representatives of the United States:*

Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

JAMES MADISON.

APRIL 1. 1812.

On motion of Mr. PORTER, the Message was referred to the committee appointed on that part of the President's Message at the commencement of the session, which relates to Foreign Relations.

And, after a short lapse of time, Mr. PORTER, from the Committee on Foreign Relations, to whom was referred the above-cited Message of the President of the United States, presented a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was read twice, and committed to a Committee of the whole House to-day.

The House accordingly resolved itself into a Committee of the Whole on the said bill; and,

Mr. BOND then moved to amend it by striking

out of the first section sixty days, and insert one hundred and twenty days. He said a gentleman declared the measure to be a precursor to war—the time will be much too short for the great amount of American property now abroad to return; the motion was negatived.

Mr. SEYBERT viewed the subject as of vast importance; he considered that the proposition came to the House in a very questionable shape; he wanted information, and he called upon the Committee of Foreign Relations to say whether it is to be considered as a peace measure or a precursor to war.

Mr. GRUNDY (one of the committee) said he was willing to answer the very proper inquiry of the gentleman from Pennsylvania, (Mr. SEYBERT,) that he understands it as a war measure, and it is meant that it shall lead directly to it; that with any other view there can be no propriety in it; as a peace measure, he had no idea that the President would have recommended it, nor would the committee have agreed to it. He hoped the gentleman from Pennsylvania would now be satisfied, and prepare his mind to vote for it.

Mr. McKEE objected to the last section, on account of the penalties which it proposed, which he considered altogether unimportant, as it is to be a precursor to war, it being merely precautionary and for a short time. He made some other inquiries respecting the section, and why such provisions were in it.

Mr. PORTER said the bill was draughted according to the wishes and directions of the Secretary of the Treasury.

Mr. STOW said the subject before the committee ought to be considered of very great im-

ortance. If, as some gentlemen say, it is a precursor to war, there were some very serious questions to be asked—What is the situation of our fortresses? What is the situation of our country generally? He would answer, they are defenceless, particularly the fortifications in New York, which are unmanned and unarmed. He said this fact appeared by a letter now in possession of a member of the House, which was very lately been received from Judge Livingston, of New York. Mr. S. said, that to try the question whether we will now lay an embargo, he moved that the first section of the bill be stricken out.

Mr. CLAY (the SPEAKER) then warmly expressed his satisfaction and full approbation of the message, and the proposition now before the Committee. He approved of it because it is to be viewed as a direct precursor to war. He did not wish upon this occasion to hear of the opinion of Brockholst Livingston or any other man. No gentleman can question the propriety of the proposition. Gentlemen who said so much about the want of preparation are not for war. He considered this a war measure, and as such he should discuss it. Sir, said Mr. C., after the pledges we have made, and the stand we have taken, are we now to cover ourselves with shame and indelible disgrace by retreating from the measures and grounds we have taken? He then stated our measures, our pledges, and the great injuries and abuses we have received. He said, what would disgrace an individual under certain circumstances would disgrace a nation. And what would you think of one individual who had thus conducted to another, and should then retreat? He did not think we were upon this occasion in the least embarrassed by the conduct of France in burning our vessels; that may be a subject of future consideration. We have complete evidence as to the enemy whom we have selected. As weak and imbecile as we are, we would combine France if necessary. He said there was no intrinsic difficulty or terror in the war: there was no terror except what arises from the novelty. Where are we to come in contact with our enemy? On our own continent. If gentlemen please to call these sentiments Quixotic, he would say he pitied them for their sense of honor. We know no pains have been spared to vilify the Government. If we now proceed we shall be supported by the people. Many of our people have not believed that war is to take place. They have been wilfully blinded. He was willing to give them further notice. It remains for us to say whether we will shrink or follow up the patriotic conduct of the President. As an American and a member of this House, he felt a pride that the Executive had recommended this measure.

Mr. RANDOLPH said he was so impressed with the importance of the subject and the solemnity of the occasion, that he could not be silent. Sir, said Mr. R., we are now in conclave; the eyes of the surrounding world are not upon us. We

are shut up here from the light of Heaven; but the eyes of God are upon us. He knows the spirit of our minds. Shall we deliberate upon this subject with the spirit of sobriety and candor, or with that spirit which has too often characterized our discussions upon occasions like the present? We ought to realize that we are in the presence of that God who knows our thoughts and motives, and to whom we must hereafter render an account for the deeds done in the body. He hoped the spirit of party and every improper passion would be exorcised, that our hearts might be as pure and clean as fall to the lot of human nature.

He was confident in declaring that this was not a measure of the Executive—that it was engendered by an extensive excitement upon the Executive. He agreed with the gentleman from Pennsylvania (Mr. SEYBERT) that it comes to us in a very *questionable shape*, or rather in an *unquestionable shape*—whose ever measure it is, the people of the United States will consider it as a subterfuge for war; as a retreat from the battle. We some years ago resolved that we must have *war, embargo, or submission*—we have not had war or submitted—we must therefore have embargo. It appears to be limited to sixty days; at the expiration of that time will any one say we shall be prepared for war? Sir, we are in the situation of a debtor who promises to pay his note at the bank in sixty days—we shall prolong the time sixty days, and sixty days after that, until deferred hope makes the heart sick. He would tell the honorable Speaker that, at the end of sixty days, we shall not have war, and the reason is, the Executive dare not plunge the nation into a war in our unprepared state.

Mr. BOYD, of New Jersey, said, while he admitted the fire and spirit of the honorable Speaker, he thought he would do well to be considerate. He asked whether we were prepared to assail our enemy, or repel her attacks? He asked, whether it is wise in an unarmed nation, as we are, to commence hostilities against one so completely prepared?

The motion to strike out the first section was lost—ayes 85, noes 70.

Mr. SEYBERT said, that in voting for the several important measures which Congress have agreed to this session, he felt himself pledged to go to war; that he was in favor of an embargo as a precautionary measure and precursor to war. When we voted for the twenty-five thousand men he supposed the Executive intended war—but he has now such information from a friend in whom he confides, as leads him to believe that offensive operations are not meant. We ought to be better prepared before we engage in war. He had observed in the Baltimore papers that the British have ordered a squadron and twenty thousand men for our coast.

Mr. SMITH expressed his surprise at the observations of his friend and colleague: he did not know from what quarter he had obtained his information, that the President does not

mean war. Does he believe he has all this time been deceiving the Legislature? He had heard but one sentiment from the President, which is, *that we must make war* unless Great Britain relents. The President had always supposed that the embargo must precede war—the only difference has been as to the time, which has been finally compromised. The embargo is intended as a war measure. He would assure his colleague it was intended by both the Executive and the Committee of Foreign Relations. That being now up, he would observe that, at the beginning of the session, he was not so warm for war as many were, but he was for commercial restrictions. He was not for the twenty-five thousand men; but as the House have determined otherwise he would now go to war—if we now recede we shall be a reproach among all nations.

Mr. SEYBERT then said, that his intention was to resist seriously Great Britain; he would be plain; but he was not for going to war unprepared. When the bill for raising the twenty-five thousand men was before the House, it was then declared to be according to the wishes of the Secretary at War—since that time the Secretary has said it was not his wish, from which he concluded it was not the wish of the President.

Mr. RANDOLPH proposed to read, from memoranda in his possession, of what occurred in the Committee of Foreign Relations, and a conference between them and the Secretary of State; which was objected to.

Mr. BASSETT (Chairman) considered it in order.

Mr. CALHOUN appealed.

The Chairman's decision was confirmed—yeas 60.

Mr. RANDOLPH said, it will appear that the embargo is not preparatory to war, that is to say, it was not necessarily so, and of course not of the character which the Speaker has considered it. From his minutes (among other facts) it appeared that Mr. Monroe said to the committee that the President thought we ought to declare war before we adjourn, unless Great Britain recedes, of which there was no prospect. That there was conversation about an embargo. Mr. Monroe was asked by some of the committee whether the President would recommend it by message; he answered that he would, if he could be assured it would be acceptable to the House. He also said Mr. Barlow had been instructed to represent to the French Government our sense of the injuries received, and to press upon them our demands for reparation—that if she refused us justice, the embargo would leave the policy as respects France, and indeed of both countries, in our hands. He was asked if any essential alterations would be made within sixty days, in the defence of our maritime frontier or seaports? Mr. M. answered that pretty considerable preparations would be made. He said New York was in a respectable state of defence, but not

such as to resist a formidable fleet; but that it was not to be expected that such a kind of war would be carried on. It was replied that we must expect what commonly happens in war. Mr. M. said that, although a great distress and injury might take place in one part of the Union, it would not essentially affect the population or resources of the Union at large. As to the prepared state of the country, he said, in case of a declaration of war, the President would not feel himself bound to take upon himself more than his share of the responsibility. Mr. M. said that the unprepared state of the country was the only reason why ulterior measures should be deferred.

Mr. R. then said that the step we are about taking is too high a price to pay for the consistency of gentlemen who think they have gone too far to recede; it is too expensive to bolster them up in this way. He asked what will be the situation of this people in sixty days? Put your note into the bank, and see how soon it will be out. What will be the situation of this unhappy, misguided country? What would it have been for sixty, one hundred, or three hundred and sixty-five days past? He had hoped not to have seen the old story of the dog worrying the cat, &c., realized. Are the majority, in consequence of having been goaded by the presses, to plunge the people into a war by bringing them first to the whipping-post and then by exciting their spirit? He would assure the House the spirit of the people is not up to it at this time; if so, there would be no necessity of those provocations to excite this false spirit—this kind of Dutch courage. If you mean war, if the spirit of the country is up to it, why have you been spending five months in idle debate?

Messrs. GRUNDY and CALHOUN said they were not impressed with a recollection of the facts which occurred before the Committee of Foreign Relations in the same manner as had been stated by Mr. RANDOLPH. They did not recollect that Mr. Monroe said the embargo would leave the policy, as respects both belligerents, in our hands.

Mr. PORTER said he was in favor of an embargo, as a measure which ought to precede war; but it was very important that we should be prepared before we commence war. He did not believe it was possible to commence it with safety within four months from this time. Such a measure as an embargo would be of immense injury to the State of New York, on account of their flour which has gone to market.

The committee rose and reported the bill without amendment, and the question was, Shall it be engrossed for a third reading?

Mr. QUINCY then moved that the injunction of secrecy be taken off from the proceedings.

Mr. PITKIN said there was but one precedent of an embargo being passed with closed doors.

The ayes and noes were agreed to be taken on Mr. QUINCY's motion.

Mr. WRIGHT then made a question of order on Mr. QUINCY's motion.

The SPEAKER decided it was not in order, another question being before the House.

Mr. LITTLE then moved the previous question, which he soon withdrew.

Mr. STOW then expressed his alarm and astonishment at the course we are taking. He said the country was wholly unprepared to enter into a war within the time which had been mentioned. He warned gentlemen of their danger, and the ruin which threatened our defenceless towns. The authority which he had cited ought to have more weight than the hearsays of some young members in this House. The elections of the maritime parts of the country will put your places into the possession of your political adversaries. You may be assured you tread on deceitful ground. The intelligent party of the community at the North are against the war. There is no calculating the injury it will be to the State of New York.

Mr. BASSETT spoke in favor of the measure, and respecting the injuries we have received from Great Britain.

Mr. ROBERTS then moved for the previous question.

Mr. SHEFFEY called for the ayes and noes.

The motion for the previous question was carried—ayes 66, noes 40.

The question was, Shall the bill be engrossed for a third reading?—Carried—ayes 71, noes 80.

The question was then, on what day shall it be read?

Mr. GRUNDY moved it be read immediately.

Mr. MAOON proposed to-morrow.

Mr. QUINCY said (it then being half-past seven o'clock in the evening) he had not been able to take any part in the debate; that the measure which had been thus hurried, was extremely interesting to his immediate constituents, and he was very anxious to express his sentiments upon it—but he was so fatigued with the tedious sitting, that he was unable to do it this evening, and hoped the House would indulge him until to-morrow. He would not condescend to debate such a question in the present state of the House, and he asked for the ayes and noes on Mr. MAOON's motion, which were agreed to be taken.

Mr. D. R. WILLIAMS said he was desirous to grant the request of the gentleman from Massachusetts. It was in his opinion a very reasonable one. The deportment of the other side of the House had, during the whole of the session, been very gentlemanly towards the majority; and, sir, said he, will you now refuse to give them an opportunity to express their sentiments upon a measure which, in their view, is important? He said that policy on the part of the majority ought to dictate the indulgence asked for. The majority now stand on high ground—what will be said, and what will be the consequence of a refusal? We shall lose the ground on which we now stand.

Mr. MAOON was of the same opinion; he

thought the minority had acted with more propriety than he ever knew in a minority.

Mr. WRIGHT objected, although he was willing to acknowledge the minority had conducted with propriety.

Mr. NELSON said it appeared to him that according to the importance of subjects, so is our precipitancy. Is the minority thus to be dragged into this measure? For one, he wished to reflect upon it. The first intimation he had of this measure, was the Message. If it is intended as a precautionary measure, as the precursor to war, as some gentlemen have treated it, it is a question of doubt in his mind. He thought it better to arm our merchantmen; to grant letters of marque and reprisal; and repeal our non-importation law. We have already suffered enough under our restrictive system. If we pass the bill to-night, it cannot be a law until the other branch act upon it. When we are going to war, it will be well known that we have the spontaneous support of more than one-half the community.

Mr. ALSTON said he would have voted on the motion, if the gentleman had not asked for the ayes and noes; but as he appears desirous to marshal one side of the House against the other, he was not disposed to gratify him in his request.

Mr. WIDGEBY declared war to be inevitable, and it ought not to be delayed; on this account he was against postponing the bill until to-morrow. If we do it at all, it ought to be speedily. It is not to be believed that argument will change a single vote. The responsibility is on the majority.

The question on reading to-morrow was negatived—57 to 54.

It was then read a third time; and on the question, Shall the bill pass? it was carried—ayes 70, noes 41.

*Ordered*, That the title be, "An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time."

Mr. GRUNDY and Mr. WRIGHT were appointed a committee to carry the said bill to the Senate, and to inform them that the House of Representatives have passed the same, in confidence, and to desire their concurrence therein.

And the doors were then opened.

THURSDAY, April 2.

On motion of Mr. GRUNDY, the House was cleared of all persons except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and the doors were closed.

Mr. GRUNDY, from the Committee on Foreign Relations, presented a bill "in addition to the act, entitled 'An act to raise an additional military force, passed the eleventh of January,' 1812, which was read twice, and committed to a Committee of the Whole to-day.

A question was made and taken, whether the provisions contained in the bill were of such a

nature as to require secrecy in the discussion, and passed in the affirmative—yeas 71, nays 84.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, the bill was reported without amendment, and ordered to be engrossed, and read the third time to-day.

The said bill was accordingly engrossed, and read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 78, nays 20.

*Ordered*, That the title be, "An act in addition to the act, entitled 'An act to raise an additional military force, passed on the eleventh of January, 1812.'"

Messrs. CALHOUN and WILLIAMS were appointed a committee to carry the said bill to the Senate, and to inform them that the House of Representatives have passed the same, in confidence, and to desire their concurrence therein.

The doors were then opened.

#### FRIDAY, April 8.

On motion of Mr. GRUNDY, the House was cleared, and the doors were closed.

A motion was then made by Mr. GRUNDY, that the House do come to the following resolution:

*Resolved*, That a committee be appointed to inquire whether there has been any, and if any, what violation of the secrecy imposed by this House during the present session, as to certain of its proceedings, and that the said committee have power to send for persons, papers, and records.

And the question thereon being taken, it passed in the affirmative—yeas 106, nays 8.

Messrs. GRUNDY, TROUP, ROBERTS, BRECKENRIDGE, and TALLMADGE, were appointed the committee.

Mr. PORTER, from the Committee on Foreign Relations, presented a bill authorizing the President of the United States to appoint additional Brigadier Generals, in certain cases; which was read the first time: When a message was received from the Senate, by a committee of that body, appointed for the purpose, consisting of Messrs. BIRB and CAMPBELL, of Tennessee, notifying the House that the Senate have passed the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time," with amendments; in which they desire the concurrence of the House.

On motion of Mr. PORTER, the bill reported by the Committee on Foreign Relations, this day, was ordered to lie on the table.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States;" and the said amendments being read at the Clerk's table, a motion was made by Mr. LEWIS, that the said bills and amendments be postponed indefinitely.

Mr. QUINCY expressed in strong terms his ab-

horrence of the measure. He said that if he believed it to be a preparation for war, he should have a less indignant sense of the injury than he felt now, as he deemed it pure, unosophisticated, reinstated embargo. The limitation of sixty or ninety days gave little consolation or hope to him, because he knew how easily the same power which originated could continue this oppressive measure.

He said that his objection was, that it was not what it pretended to be; and was what it pretended not to be. That it was not embargo preparatory to war; but, that it was embargo as a substitute for the question of declaring war. It was true that it was advocated as a step incipient to a state of war, and by way of preparation for it, by gentlemen whose sincerity he was bound to respect. He could not, however, yield the conviction of his senses and reflections to their asseverations; nor declare, in complaisance to any, let them be as respectable as they might, that he saw in this measure more or less than its features indicated.

Is this embargo what it pretends to be—preparation for war? In the first place, no sudden attack is expected from Great Britain. It is not suggested that we have a tittle of evidence relative to any hostility of her temper which is not possessed by the whole community. The President has not communicated to us one document or reason for the measure. His Message merely notifies to us his will and pleasure.

An embargo, as preparatory to war, presupposes some new and hidden danger, not known to the mercantile community. In such case, when the Government sees a danger of which the merchant is unapprised, it may be wise to stay the departure of property until the nature and extent of it can be explained, but not a moment longer. For, let the state of things be that of war or peace, the principle is precisely the same. The interest which the community has in the property of individuals is best preserved by leaving its management to the interest of the immediate proprietor, after he is made acquainted with all the circumstances of the times which have a tendency to increase its exposure.

The reason of an embargo, considered as an incipient step to war, is either to save our property from depredation abroad, or keep property which we want at home. Now it happens that the nature of the great mass of our exports is such that there is little danger of depredation from the enemy we pretend to fear abroad, and little want of the articles most likely to be exposed at home. The total export of last year amounted, as appears by the report of the Secretary of the Treasury, to \$45,000,000. It also appears by that report, our exports to Great Britain and her dependencies, and also to those of Spain and Portugal, were \$38,500,000. Nearly seven-eighths in value of our whole exports have been, and continue to be, to the dominions of that very power from which so much is pretended to be apprehended. Now, it is well



nown that these articles are of very great necessity and importance to her, and whether, even in the case of actual war between our countries, Great Britain would capture them, might be questionable. But that she would capture them on the mere preparation, before she really hostile act was committed on our part, is not only unreasonable, but absolutely absurd to expect. This very commerce which, by the passing of this bill, you indicate it is her intention to prohibit or destroy, it is her obvious and undeniable policy to unite and cherish; besides, the articles are in a very great proportion perishable, which, by this embargo, are to be prohibited from going to market. Which is best—to keep them at home, to a certain loss and probable ruin, or adventure them abroad to a possible loss and highly probable gain? Ask your merchant. Ask common sense.

But it is said "we must protect our merchants." Heaven help our merchants from *embargo-protection*! It is also said that "the present condition of things has been brought upon the country by the merchants; that it was their clamor, in 1805 and 1806, which first set Congress upon this system of coercive restriction, of which they now so much complain." It is true that, in those years, the merchants petitioned; not for embargo, not for commercial embarrassment and annihilation, but for protection. They, at that time, really thought that this national Government was formed for protection, and that it had at heart the prosperity of all the great interests of the country. If "it was a grievous fault, grievously have the merchants answered it." They asked you for relief, and you sent them embarrassment. They asked you for defence, and you imposed embargo. They "asked bread, and you gave them a stone." They "asked a fish, and you gave them a serpent." Grant that the fault was great, suppose that they did mistake the nature and character of the Government, is the penalty they incurred by this error never to be remitted? Permit them once to escape, and my word for it, they will never give you an apology for this destructive protection. If they do, they will richly deserve all the misery which, under the name of protection, you can find means to visit upon them. Your tender mercies are cruelties. The merchants hate and spurn this unwise defence.

Mr. Q. then took notice of an intimation which had been thrown out in relation to an express, sent off on the day preceding the Message of the President, giving notice that the embargo would be proposed the ensuing day. He said that there was no necessity of speaking of that matter by distant allusions, as if there was any thing that sought concealment. That was not an affair, said Mr. Q., that shuns the light. He had the honor and the happiness, in conjunction with another member of this House, from the State of New York, (Mr. EMOTT,) and a Senator from Massachusetts, (Mr. LLOYD,) to transmit that intelligence to Philadelphia, New

York, and Boston, by an express which started on Tuesday afternoon. In doing this, we violated no obligation, even of the most remote and delicate kind. The fact that the Committee of Foreign Relations had decided that an embargo should be proposed on Wednesday, was openly avowed here on Tuesday, by various members of that committee, to various members of this House. Among others, I was informed of it. I shall always be grateful to the gentleman who gave me that information. Indeed, the whole commercial community are under great obligations to the Committee of Foreign Relations for their feeling and patriotism in resolving on that disclosure. It enabled us, by anticipating the mail, to give an opportunity for great masses of property to escape from the ruin our Cabinet was meditating for them. Yes, sir; to escape into the jaws of the British lion, and of the French tiger, which are places of refuge, of joy and delight, when compared with the grasp and fangs of this hyena embargo. What was the effect of this information? When it reached Philadelphia, the whole mercantile class was in motion, and all that had it in their power were flying in all directions from the coming mischief, as if it were a plague and a pestilence. Look, at this moment, on the river below Alexandria, and the poor seamen, towing down their vessels against wind and tide, anxious only to escape from a country which destroys under the mask of preserving.

Mr. GOLD.—The first object with a wise Legislature is, Is the law expedient? The second object, which should never for a moment escape attention, Can the law be executed? Under the first head, the advocates of embargo disclaim the measure as appertaining to the odious restriction system: they present it as the old-fashioned, legitimate precursor of war, as the provident measure of Government to protect your merchants against reprisals resulting from meditated hostilities.

In this view can you be prepared for war at the expiration of the embargo? Will you open your campaign at mid-summer? Whatever appearance this measure may now assume, the country have grounds to fear a relapse into the old system—you will go again back into Egypt.

But, on the second head, can your law be executed? Does the history of the past in our own, or any other country, warrant such an expectation? Can you watch the extended line, of forty-five degrees north, for hundreds of miles, so as to prevent a transit for commercial exchange, indispensable to the necessities of the country? No, sir, it is a vain expectation; your army of 25,000 could not prevent the intercourse: their sympathies would rather lead them to connive at what they could not fail to see. Great Britain, with a canvas that whitens every sea, her revenue boats always in motion, and tide waters at every inlet or avenue, has not been able to prevent the smuggling in of about one-half the tea consumed in that

Kingdom. Such is the conviction of English writers! It may be found in the appendix to McCartney's Embassy, and in the Life of the second Pitt. Where men have expended their substance in purchasing and collecting an article for export, under the subsisting faith of your laws permitting such export, it is not mere injustice, but cruelty in the Government towards its citizens to arrest such a commerce by an *ex post facto* law, and consign those concerned to the prison walls, and their families to beggary. Nothing short of the most imperious necessity, the safety of the community, can justify so severe a proceeding. But, sir, with a single exception of timber, the commerce between the northern frontiers and Canada, will, for the ninety days of this embargo, be little else than the mere exchange of articles indispensably necessary to the poor frontier settlers. How are they to be supplied with the article of salt? Believe me, sir, the morality of no part of the United States, or of any nation on earth, will restrain persons under such circumstances from eluding the laws. Does any man believe that this frontier traffic is not as beneficial to us as to our enemies? Can your law fail of producing more injury and loss to the United States, than benefit? Have you not witnessed, sir, that while you was exercising paternal care in enacting an embargo by water, for the seaboard, that our merchants and navigators, roused as by a shock of thunder, escaped from your shores, with their vessels, as from a destroying angel—from pestilence and death?

Mr. BLEEKER, in a speech of about twenty minutes, made an able, solemn, and impressive address to the House, urging them to ponder, and desist from the dangerous course they were pursuing, and forewarned them of the calamitous consequences that would inevitably result.

Mr. MITCHELL said, in viewing political subjects and dangers, some are inclined to look through political microscopes, which diminish them; others, misled by their imaginations, look through political telescopes, and are apt to magnify and enhance them. He, for one, was for viewing our situation with his naked optics—for looking at it as it really is. He could not be considered as less alive to the interests and happiness of the inhabitants of that city, respecting whom so much sensibility has been expressed, than any other gentleman. There were his intimate friends, connections, and what little property he possessed. No one could feel more for their sufferings under commercial restrictions, or in case of an assault upon it by the enemy. And if he was to consult only his personal sensibilities, they were all in favor of the people of that country with whom we are to enter into a conflict. He has no prejudice against them. He there received his education. He has lived in North and South Britain. From actual residence, he knows them from the Grampian Hills to Dover. He knows them, however, to be a proud, over-

bearing nation. From former residence, and also from recent intelligence, (and that within a few days, by late arrivals,) he knows that they consider us a sort of a generation whom they have a right to despise. We are viewed in this unworthy, degraded situation, not on account of our want of resources, or population; but because they believe we cannot stand together—that we have no confidence in ourselves—that we cannot lead armies into their countries. Their object has been, since the year 1806, to divide and distract us, and to prevent our taking efficient measures. Sir, what has been the cause of our present condition? It is well known that, in 1806, he was made the organ of his constituents, as other gentlemen were for Salem and other commercial places, to present to Congress their complaints and wailings, on account of the grievances they suffered upon the subject of carrying colonial produce, and the continuity of voyage. The archives of this House will prove this. They declared they should be ruined if the British doctrine should be countenanced. The Government were goaded by these applications for relief. The Government began, and continued pacific measures, until we have got into our present situation.

Mr. WIDGERY spoke with much warmth in favor of the embargo and war.

Mr. STUART said, if it was in order, he would ask the gentleman from Massachusetts (Mr. WIDGERY) a few questions. He would ask that gentleman if he was, during the last embargo, a ship owner? If so, did he not go to England during the embargo? If so, how did he go?

Mr. WIDGERY answered that he went by water.

The SPEAKER observed these questions were not in order.

Mr. STUART said if they were not in order he would sit down.

The question was now taken on indefinite postponement, and determined in the negative—yeas 42, nays 72.

On motion of Mr. ROBERTS, the previous question was demanded by a majority of the members present: Whereupon the question was taken, in the form prescribed by the rules and orders of the House, to wit: "Shall the main question be now put?" and passed in the affirmative—yeas 67, nays 44.

The SPEAKER then decided that the main question to now put, was: "Will the House concur with the Senate in the amendments made to the bill?" and not upon the proposition for postponement.

From which decision Mr. RANDOLPH moved an appeal; which being seconded, the question was put, "Is the decision of the Chair correct?" and decided in the affirmative.

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SATURDAY, April 4.

The House was cleared of all persons, and the doors were closed.

*Additional Brigadier Generals.*

The House resumed the consideration of the bill authorizing the President of the United States to appoint additional Brigadier Generals, &c.

Mr. SAMMONS.—Mr. Speaker: If those officers are intended to command the militia, I trust in God this bill will not pass. What! shall our militia be commanded by officers commissioned by the President? Can the President be as well acquainted with the qualifications and abilities of officers in the militia as the Governors of the States? It cannot be expected. What spirit can be in the people to support the war if the Federal Government takes away the right of the States to appoint the officers for commanding their militia? If our Government takes away our liberty, is it necessary to contend with a foreign Government for our rights? In former times the officers were appointed in such parts as the men were raised: that is not the case now. Some time in the session, I was told by some of the Southern members, "we will give you officers if you will find the men." It is a fact, that, before our New York troops were raised, a Major from North Carolina was appointed; and was ordered to take the command of troops enlisted in New York. Governor Hull's son, from Detroit, is appointed to the command of one of our companies, and is on command with his father as his aid. Where is the justice? Shall we have companies without captains, or shall the United States pay for two captains? (for Hull is returned in Colonel Schuyler's regiment as captain.) He cannot belong there. In such proceedings I almost tremble for the consequence to my country.

There is no necessity or propriety in appointing more Generals, in my opinion, at present, for our regulars—for the President is directed to appoint eight Brigadiers and two Major Generals. I believe they are not all appointed, and of those that are appointed, I hear one is sent home because they have no command for him. If this bill passes, our Government will be as bad as that of Great Britain before the Revolution. In the Declaration of Independence we complain of the King, that "he has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance." But if those ten Generals are not sufficient, this House has passed a bill at the request of the President of the United States to commission and appoint the officers for fifty thousand militia volunteers. There are limits empowering how many he shall appoint—he may appoint twelve Brigadiers and four Major Generals—will not that be as many as he wanted?

MONDAY, April 18.

A confidential message was received from the Senate by a committee of that body appointed for the purpose, consisting of Mr. VARNUM and Mr. ANDERSON, notifying the House that the

Senate have passed the bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time," with amendments; in which they desire the concurrence of the House.

The said amendments were read at the Clerk's table: When a motion was made by Mr. GOLDSBOROUGH that the said bill be *postponed indefinitely*.

And the question thereon being taken, it was determined in the negative—yeas 35, nays 62.

The question was then taken to concur in the said amendments, and passed in the affirmative.

Mr. SMILE and Mr. PLEASANTS were appointed a committee to deliver a message to the Senate, and inform them that the House of Representatives have concurred in their amendment to the bill aforesaid.

The doors were then opened.

TUESDAY, April 14.

Mr. CRAWFORD, from the Joint Committee for Enrolled Bills, reported that the committee had examined an enrolled bill "to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time," and had found the same to be truly enrolled: When, the SPEAKER signed the said bill.

Mr. CRAWFORD and Mr. TURNER were appointed a committee to carry the said bill to the Senate for the signature of their President.

The doors were then opened; and having remained so for some time, they were again closed;

When, Mr. TURNER, from the above-mentioned committee, reported that the committee had presented to the President of the United States the said bill, and that they were instructed by the President to inform the two Houses that he had approved and signed the same.

On motion of Mr. CALHOUN, the injunction of secrecy imposed upon the said bill and the proceedings thereon, were then removed.

The doors were then opened.

MONDAY, June 1.

A confidential Message, in writing, was received from the President of the United States, by Mr. Edward Coles, his Secretary; which he delivered in at the Speaker's table.

The House was then cleared of all persons, except the Members, Clerk, Sergeant-at-Arms, and Doorkeepers, and the doors were closed; and the said Message was read, and is as follows:

[Confidential.]

To the Senate and House of Representatives of the United States:

I communicate to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain.

Without going back beyond the renewal, in one thousand eight hundred and three, of the war in which Great Britain is engaged, and omitting unpaired wrongs of inferior magnitude, the conduct of

her Government presents a series of acts, hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a belligerent right, founded on the law of nations against an enemy, but a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels, in a situation where no laws can operate but the law of nations, and the laws of the country to which the vessels belong; and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force, for a resort to the responsible Sovereign, which falls within the definition of war. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged, without a regular investigation before a competent tribunal, would imperiously demand the fairest trial, where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law, and of their national flag, have been torn from their country, and from every thing dear to them; have been dragged on board ships of war of a foreign nation, and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be melancholy instruments of taking away those of their own brethren.

Against this crying enormity which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations; and that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements, such as could not be rejected, if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the right and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors; and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce, are well known. When called on, nevertheless, by the United States, to punish the greater offences committed by her own vessels, her Government has bestowed on their commanders additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a re-

trospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, those mock blockades have been reiterated and enforced in the face of official communications from the British Government, declaring, as the true definition of a legal blockade, "the particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the Cabinet of Britain resorted, at length, to the sweeping system of blockades, under the name of Orders in Council; which has been moulded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain, as a necessary retaliation on decrees of her enemy, proclaiming a general blockade of the British Isles, at a time when the naval force of that enemy dared not issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea: that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed: that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her Cabinet, instead of their corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an obligation on a neutral power to require one belligerent to encourage, by its internal regulations, the trade of another belligerent; contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the United States, and for its own consistency, the British Government now demands, as prerequisite to a repeal of its orders as they relate to the United States, that a formality should be observed in the repeal of the French decrees, no wise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States, should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees. And, as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French Government, for which the United States are so far from having made themselves responsible, that, in official explanations which have been published to the world, and in a correspondence of the American Minister at London with the British Minister for For-

sign Affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but as interfering with the money which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce with an enemy; a commerce polluted by the forgeries and perjuries which are, for the most part, the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favorable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her Government has been equally inflexible, as if willing to make sacrifices of every sort, rather than yield to the claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachments of the British Cabinet to its unjust edicts, that it received every encouragement within the competence of the Executive branch of our Government, to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be recalled. Even this communication, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

If no other proof existed of a predetermination of the British Government against a repeal of its orders, it might be found in the correspondence of the Minister Plenipotentiary of the United States at London, and the British Secretary for Foreign Affairs, in one thousand eight hundred and ten, on the question whether the blockade of May, one thousand eight hundred and six, was considered as in force, or as not in force. It had been ascertained that the French Government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree; which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed, so often, to be the desire of both the belligerents, was made known to the British Government. As that Government admits that an application of an adequate force is necessary to the existence of a legal blockade, and it was notorious that, if such a force had ever been applied, its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it; and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade; and would have enabled the United States to demand from France the pledged repeal of her decrees; either with success, in which case the war would have been

opened for a general repeal of the belligerent edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British Government would, however, neither rescind the blockade, nor declare its non-existence; nor permit its non-existence to be inferred and affirmed by the American Plenipotentiary. On the contrary, by representing the blockade to be comprehended in the Orders in Council, the United States were compelled so to regard it, in their subsequent proceedings.

There was a period when a favorable change in the policy of the British Cabinet was justly considered as established. The Minister Plenipotentiary of His Britannic Majesty here, proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable professions of this Government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British Government, without any explanations, which could, at that time, repress the belief, that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof, that at the very moment when the public Minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his Government was employed in intrigues, having for their object a subversion of our Government, and a dismemberment of our happy Union.

In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare, just renewed by the savages, on one of our extensive frontiers; a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in constant intercourse with British traders and garrisons, without connecting hostility with that influence, and without recollecting the authenticated examples of such interpositions, heretofore furnished by the officers and agents of that Government.

Such is the spectacle of injuries and indignities which have been heaped on our country; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which, in times of war, is the best alleviation of its calamities to herself, as well as to other belligerents; and, more especially, that the British Cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other councils have prevailed. Our moderation

and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public law, but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced, or inveigled in British ports into British fleets, whilst arguments are employed in support of these aggressions, which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain.

Whether the United States shall continue passive under these progressive usurpations, and their accumulating wrongs, or, opposing force to force in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the Legislative Department of the Government. In recommending it to their early deliberation, I am happy in the assurance, that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark, that the communications last made to Congress on the subject of our relations with France, will have shown, that since the revocation of her decrees, as they violated the neutral rights of the United States, her Government has authorized illegal captures by its privateers and public ships; and that other outrages have been practised on our vessels and our citizens. It will have been seen, also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French Government against the property of our citizens, seized within the jurisdiction of France. I abstain, at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our Minister Plenipotentiary at Paris and the French Government will speedily enable Congress to decide, with greater advantage, on the course due to the rights, the interests, and the honor, of our country.

JAMES MADISON.

WASHINGTON, June 1, 1812.

A motion was then made by Mr. RANDOLPH, that the said message be referred to the Committee of the whole House on the state of the Union:

And the question thereon being taken, it was determined in the negative—yeas 37, nays 85.

On motion of Mr. D. R. WILLIAMS, the Message was referred to a committee appointed on that part of the President's Message which relates to our foreign relations.

TUESDAY, June 2.

The House met, and adjourned till to-morrow.

WEDNESDAY, June 3.

*Report on Foreign Relations.*

MR. CALHOUN, from the Committee on Foreign Relations, to whom was referred the Message of the President of the United States of the first instant, made a report, stating at large the causes and reasons of a war with Great Britain, which was read as follows:

"That, after the experience which the United States have had of the great injustice of the British Government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their impatient forbearance, than the measures to which it has become necessary to resort, to avenge the wrongs, and vindicate the rights and honor of the nation. Your committee are happy to observe, on a dispassionate view of the conduct of the United States, that they see in it no cause for censure.

"If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace; none have ever cherished it with greater sincerity and zeal.

"But the period has now arrived, when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other, is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power, and commercial avarice of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral nations an alternative only between the base surrender of their rights, and a manly vindication of them. Happily for the United States, their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress.

"More than seven years have elapsed since the commencement of this system of hostile aggression by the British Government, on the rights and interests of the United States. The manner of its commencement was not less hostile than the spirit with which it has been prosecuted. The United States have invariably done every thing in their power to preserve the relations of friendship with Great Britain. Of this disposition they gave a distinguished proof at the moment when they were made the victims of an opposite policy. The wrongs of the last war had not been forgotten at the commencement of the present one. They warned us of dangers, against

which it was sought to provide. As early as the year 1804, the Minister of the United States at London was instructed to invite the British Government to enter into a negotiation on all the points on which a collision might arise between the two countries, in the course of the war, and to propose to it an arrangement of their claims on fair and reasonable conditions. The invitation was accepted. A negotiation had commenced, and was depending, and nothing had occurred to excite a doubt that it would not terminate to the satisfaction of both the parties. It was at this time, and under these circumstances, that an attack was made by surprise, on an important branch of the American commerce, which affected every part of the United States, and involved many of their citizens in ruin.

"The commerce on which this attack was so unexpectedly made, was that between the United States and the colonies of France, Spain, and other enemies of Great Britain. A commerce just in itself; sanctioned by the example of Great Britain, in regard to the trade with her own colonies; sanctioned by a solemn act between the two Governments in the last war; and sanctioned by the practice of the British Government in the present war: more than two years having then elapsed, without any interference with it.

"The injustice of this attack could only be equalled by the absurdity of the pretext alleged for it. It was pretended by the British Government that, in case of war, her enemy had no right to modify its colonial regulations, so as to mitigate the calamities of war to the inhabitants of its colonies. This pretension, peculiar to Great Britain, is utterly incompatible with the rights of sovereignty in every independent State. If we recur to the well-established, and universally admitted law of nations, we shall find no sanction to it in that venerable code. The sovereignty of every State is co-extensive with its dominions, and cannot be abrogated, or curtailed in its rights, as to any part, except by conquest. Neutral nations have a right to trade to every port of either belligerents, which is not legally blockaded, and in all articles which are not contraband of war. Such is the absurdity of this pretension, that your committee are aware, especially after the able manner in which it has been heretofore refuted and exposed, that they would offer an insult to the understanding of the House, if they enlarged on it; and if any thing could add to the high sense of injustice of the British Government in this transaction, it would be the contrast which her conduct exhibits in regard to this trade, and in regard to a similar trade by neutrals, with her own colonies. It is known to the world, that Great Britain regulates her own trade, in war and in peace, at home and in her colonies, as she finds for her interest; that in war she relaxes the restraints of her colonial system in favor of the colonies, and that it never was suggested that she had not a right to do it, or that a neutral, in taking advantage of the relaxation, violated a belligerent right of her enemy. But with Great Britain every thing is lawful. It is only in trade with her enemies, that the United States can do wrong: with them, all trade is unlawful.

"In the year 1793, an attack was made by the British Government on the same branch of our neutral trade, which had nearly involved the two countries in war. That difference, however, was amicably accommodated. The pretension was withdrawn,

and reparation made to the United States for the losses which they had suffered by it. It was fair to infer from that arrangement, that the commerce was deemed by the British Government lawful, and that it would not be again disturbed.

"Had the British Government been resolved to contest this trade with neutrals, it was due to the character of the British nation, that the decision should be known to the Government of the United States. The existence of a negotiation which had been invited by our Government, for the purpose of preventing differences, by an amicable arrangement of their respective pretensions, gave a strong claim for the notification, while it afforded the fairest opportunity for it. But, a very different policy animated the then Cabinet of England. Generous sentiments were unknown to it. The liberal confidence and friendly overtures of the United States were taken advantage of to ensnare them. Steady to its purpose, and inflexibly hostile to this country, the British Government calmly looked forward to that moment when it might give the most deadly wound to our interest. A trade, just in itself, which was secured by so many strong and sacred pledges, was considered safe. Our citizens, with their usual industry and enterprise, had embarked in it a vast proportion of their shipping and of their capital, which were at sea under no other protection than the law of nations, and the confidence which they reposed in the justice and friendship of the British nation. At this period, the unexpected blow was given. Many of our vessels were seized, carried into port, and condemned by a tribunal, which, while it professes to respect the law of nations, obeys the mandate of its own Government in opposition to all law. Hundreds of other vessels were driven from the ocean, and the trade itself in a great measure suppressed.

"The effect produced by this attack on the lawful commerce of the United States, was as might have been expected from a virtuous, independent, and highly-injured people. But one sentiment pervaded the whole American nation. No local interests were regarded, no sordid motives felt. Without looking to the parts which suffered most, the invasion of our rights was considered a common cause, and from one extremity of our Union to the other, was heard the voice of a united people, calling on their Government to avenge their wrongs, and vindicate the rights and honor of the country.

"From this period, the British Government has gone on in a continued encroachment on the rights and interests of the United States, disregarding in its course, in many instances, obligations which have heretofore been held sacred by civilized nations.

"In May, 1806, the whole coast of the continent, from the Elbe to Brest, inclusive, was declared to be in a state of blockade. By this act, the well-established principles of the law of nations, principles which have served for ages as guides, and fixed the boundary between the rights of belligerents and neutrals, were violated. By the law of nations, as recognized by Great Britain herself, no blockade is lawful, unless it be sustained by the application of an adequate force; and that an adequate force was applied to this blockade, in its full extent, ought not to be pretended. Whether Great Britain was able to maintain legally so extensive a blockade, considering the war in which she is engaged, requiring such extensive naval operations, is a question which is not

necessary at this time to examine. It is sufficient to be known, that such force was not applied, and this is evident, from the terms of the blockade itself, by which, comparatively, an inconsiderable portion of the coast only was declared to be in a state of strict and rigorous blockade. The objection to the measure is not diminished by that circumstance. If the force was not applied, the blockade was unlawful, from whatever cause the failure might proceed. The belligerent who institutes the blockade, cannot absolve itself from the obligation to apply the force, under any pretext whatever. For a belligerent to relax a blockade which it could not maintain, with a view to absolve itself from the obligation to maintain it, would be a refinement in injustice, not less insulting to the understanding, than repugnant to the law of nations. To claim merit for the mitigation of evil which the party either had not the power, or found it inconvenient to inflict, would be a new mode of encroaching on neutral rights. Your committee think it just to remark, that this act of the British Government does not appear to have been adopted in the sense in which it has been since construed. On consideration of all the circumstances attending the measure, and particularly the character of the distinguished statesman who announced it, we are persuaded that it was conceived in a spirit of conciliation, and intended to lead to an accommodation of all differences between the United States and Great Britain. His death disappointed that hope, and the act has since become subservient to other purposes. It has been made, by his successors, a pretext for that vast system of usurpation, which has so long oppressed and harassed our commerce.

"The next act of the British Government which claims our attention, is the Order of Council of January 7, 1807, by which neutral powers are prohibited trading from one port to another of France, or her allies, or any other country with which Great Britain might not freely trade. By this order, the pretensions of England, heretofore disclaimed by every other power, to prohibit neutrals disposing of parts of their cargoes at different ports of the same enemy, is revived, and with vast accumulation of injury. Every enemy, however great the number, or distant from each other, is considered one, and the like trade, even with powers at peace with England, who, from motives of policy, had excluded or restrained her commerce was also prohibited. In this act, the British Government evidently disclaimed all regard for neutral rights. Aware that the measures authorized by it could find no pretext in any belligerent right, none was urged. To prohibit the sale of our produce, consisting of innocent articles, in any port of a belligerent, not blockaded; to consider every belligerent as one, and subject neutrals to the same restraints with all as if there was but one, were bold encroachments. But to restrain, or in any manner interfere with our commerce with neutral nations, with whom Great Britain was at peace, and against whom she had no justifiable cause of war, for the sole reason that they restrained or excluded from their ports her commerce, was utterly incompatible with the pacific relations subsisting between the two countries.

"We proceed to bring into view the British Order in Council of November 11, 1807, which superseded every other order, and consummated that system of hostility on the commerce of the United States, which has been since so steadily pursued. By this order all France and her allies, and every other coun-

try at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subject to the same restrictions as if they were actually blockaded in the most strict and rigorous manner; and all trade in articles, the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were subjected to capture and condemnation as lawful prize. To this order certain exceptions were made, which we forbear to notice, because they were not adopted from a regard to neutral rights, but were dictated by policy, to promote the commerce of England, and so far as they related to neutral powers, were said to emanate from the clemency of the British Government.

"It would be superfluous in your committee to state, that, by this order, the British Government declared direct and positive war against the United States. The dominion of the ocean was completely usurped by it, all commerce forbidden, and every flag driven from it, or subjected to capture and condemnation, which did not subserve the policy of the British Government, by paying it a tribute, and sailing under its sanction. From this period, the United States have incurred the heaviest losses, and most mortifying humiliations. They have borne the calamities of war without retorting them on its authors.

"So far your committee has presented to the view of the House the aggressions which have been committed, under the authority of the British Government, on the commerce of the United States. We will now proceed to other wrongs, which have been still more severely felt. Among these is the imprisonment of our seamen, a practice which has been unceasingly maintained by Great Britain in the war to which she has been a party since our Revolution. Your committee cannot convey in adequate terms the deep sense which they entertain of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, our fellow-citizens are seized in British ports, on the high seas, and in every other quarter to which the British power extends; are taken on board British men-of-war, and compelled to serve there as British subjects. In this mode our citizens are wantonly snatched from their country and their families; deprived of their liberty, and doomed to an ignominious and slavish bondage; compelled to fight the battles of a foreign country, and often to perish in them. Our flag has given them no protection; it has been unceasingly violated, and our vessels exposed to dangers by the loss of the men taken from them. Your committee need not remark that, while this practice is continued, it is impossible for the United States to consider themselves an independent nation. Every new case is a new proof of their degradation. Its continuance is the more unjustifiable, because the United States have repeatedly proposed to the British Government an arrangement which would secure to it the control of its own people. An exemption of the citizens of the United States from this degrading oppression, and their flag from violation, is all that they have sought.

"This lawless waste of our trade, and equally unlawful imprisonment of our seamen, have been much aggravated by the insults and indignities attending them. Under the pretext of blockading the harbors of France and her allies, British squadrons have been stationed on our own coast, to watch and annoy our



own trade. To give effect to the blockade of European ports, the ports and harbors of the United States have been blockaded. In executing these orders of the British Government, or in obeying the spirit which was known to animate it, the commanders of these squadrons have encroached on our jurisdiction, seized our vessels, and carried into effect impressments within our limits, and done other acts of great injustice, violence, and oppression. The United States have seen, with mingled indignation and surprise, that these acts, instead of procuring to the perpetrators the punishment due to unauthorized crimes, have not failed to recommend them to the favor of their Government.

"Whether the British Government has contributed by active measures to excite against us the hostility of the savage tribes on our frontiers, your committee are not disposed to occupy much time in investigating. Certain indications of general notoriety may supply the place of authentic documents, though these have not been wanting to establish the fact in some instances. It is known that symptoms of British hostility towards the United States have never failed to produce corresponding symptoms among those tribes. It is also well known that, on all such occasions, abundant supplies of the ordinary munitions of war have been afforded by the agents of British commercial companies, and even from British garrisons, wherewith they were enabled to commence that system of savage warfare on our frontiers, which has been at all times indiscriminate in its effect, on all ages, sexes, and conditions, and so revolting to humanity.

"Your committee would be much gratified if they could close here the detail of British wrongs; but it is their duty to recite another act of still greater malignity than any of those which have been already brought to your view. The attempt to dismember our Union, and overthrow our excellent constitution, by a secret mission, the object of which was to foment discontents and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British Government towards the United States; no act, however unjustifiable, which it would not commit to accomplish their ruin. This attempt excites the greater horror, from the consideration that it was made while the United States and Great Britain were at peace, and an amicable negotiation was depending between them for the accommodation of their differences, through public Ministers, regularly authorized for the purpose.

"The United States have beheld, with unexampled forbearance, this continued series of hostile encroachments on their rights and interests, in the hope that, yielding to the force of friendly remonstrances, often repeated, the British Government might adopt a more just policy towards them; but that hope no longer exists. They have, also, weighed impartially the reasons which have been urged by the British Government in vindication of those encroachments, and found in them neither justification nor apology.

"The British Government has alleged, in vindication of the Orders in Council, that they were resorted to as a retaliation on France for similar aggressions committed by her on our neutral trade with the British dominions. But how has this plea been supported? The dates of British and French aggressions are well known to the world. Their origin and progress have been marked with too wide and destruc-

tive a waste of the property of our fellow-citizens to have been forgotten. The decree of Berlin, of November 21st, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed after the attack made by Great Britain on our neutral trade with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. Even on the 7th of January, 1807, the date of the first British Order in Council, so short a term had elapsed after the Berlin decree, that it was hardly possible that the intelligence of it should have reached the United States. A retaliation which is to produce its effect, by operating on a neutral power, ought not to be resorted to till the neutral had justified it by a culpable acquiescence in the unlawful act of the other belligerent. It ought to be delayed until after sufficient time had been allowed to the neutral to remonstrate against the measures complained of, to receive an answer, and to act on it, which had not been done in the present instance. And, when the order of November 11th was issued, it is well known that a Minister of France had declared to the Minister Plenipotentiary of the United States at Paris, that it was not intended that the decree of Berlin should apply to the United States. It is equally well known, that no American vessel had then been condemned under it, or seizure been made, with which the British Government was acquainted. The facts prove incontestably, that the measures of France, however unjustifiable in themselves, were nothing more than a pretext for those of England. And of the insufficiency of that pretext, ample proof has already been afforded by the British Government itself, and in the most impressive form. Although it was declared that the Orders in Council were retaliatory on France for her decrees, it was also declared, and in the orders themselves, that, owing to the superiority of the British navy, by which the fleets of France and her allies were confined within their own ports, the French decrees were considered only as empty threats.

"It is no justification of the wrongs of one power, that the like were committed by another; nor ought the fact, if true, to have been urged by either, as it could afford no proof of its love of justice, of its magnanimity, or even of its courage. It is more worthy the Government of a great nation to relieve than to assail the injured. Nor can a repetition of the wrongs by another power repair the violated rights or wounded honor of the injured party. An utter inability alone to resist could justify a quiet surrender of our rights, and degrading submission to the will of others. To that condition the United States are not reduced, nor do they fear it. That they ever consented to discuss with either power the misconduct of the other, is a proof of their love of peace, of their moderation, and of the hope which they still indulged, that friendly appeals to just and generous sentiments would not be made to them in vain. But the motive was mistaken, if their forbearance was imputed either to the want of a just sensibility to their wrongs, or a determination, if suitable redress was not obtained, to resent them. The time has now arrived when this system of reasoning must cease. It would be insulting to repeat it. It would be degrading to hear it. The United States must act as an independent nation, and assert their rights, and avenge their wrongs, according to their own estimate of them, with the party who commits them, holding it responsible for its misdeeds, unmitigated by those of another

"For the difference made between Great Britain and France, by the application of the non-importation act against England only, the motive has been already too often explained, and is too well known to require further illustration. In the commercial restrictions to which the United States resorted as an evidence of their sensibility, and a mild retaliation of their wrongs, they invariably placed both powers on the same footing, holding out to each, in respect to itself, the same accommodation, in case it accepted the condition offered, and, in respect to the other, the same restraint if it refused. Had the British Government confirmed the arrangements which was entered into with the British Minister in 1809, and France maintained her decrees, with France would the United States have had to resist, with the firmness belonging to their character, the continued violation of their rights. The committee do not hesitate to declare, that France has greatly injured the United States, and that satisfactory reparation has not yet been made for many of those injuries. But that is a concern which the United States will look to and settle for themselves. The high character of the American people is a sufficient pledge to the world that they will not fail to settle it, on conditions which they have a right to claim.

"More recently, the true policy of the British Government towards the United States, has been completely unfolded. It has been publicly declared by those in power, that the Orders in Council should not be repealed until the French Government had revoked all its internal restraints on the British commerce; and that the trade of the United States with France and her allies, should be prohibited, until Great Britain was also allowed to trade with them. By this declaration, it appears that, to satisfy the pretensions of the British Government, the United States must join Great Britain in the war with France, and prosecute the war until France should be subdued; for without her subjugation, it were in vain to presume on such a concession. The hostility of the British Government to these States has been still further disclosed. It has been made manifest that the United States are considered by it as the commercial rival of Great Britain, and that their prosperity and growth are incompatible with her welfare. When all these circumstances are taken into consideration, it is impossible for your committee to doubt the motives which have governed the British Ministry in all its measures towards the United States since the year 1805. Equally it is impossible to doubt, longer, the course which the United States ought to pursue towards Great Britain.

"From this review of the multiplied wrongs of the British Government since the commencement of the present war, it must be evident to the impartial world, that the contest which is now forced on the United States, is radically a contest for their sovereignty and independence. Your committee will not enlarge on any of the injuries, however great, which have had a transitory effect. They wish to call the attention of the House to those of a permanent nature only, which intrench so deeply on our most important rights, and wound so extensively and vitally our best interests, as could not fail to deprive the United States of the principal advantages of their Revolution, if submitted to. The control of our commerce by Great Britain, in regulating, at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such

of our vessels, with their cargoes, as were said to have violated her edicts, often without previous warning of their danger; the impressment of our citizens from on board our own vessels on the high seas, and elsewhere, and holding them in bondage till it suited the convenience of their oppressors to deliver them up; are encroachments of that high and dangerous tendency, which could not fail to produce that pernicious effect; nor would these be the only consequences that would result from it. The British Government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof which so complex and disgraceful a submission to its authority would afford of our degeneracy, could not fail to inspire confidence, that there was no limit to which its usurpations, and our degradation, might not be carried.

"Your committee, believing that the free-born sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain, a course commenced and persisted in, which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force; in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in the righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms."

On motion of Mr. MITCHELL, the doors were then closed, and the House sat with doors closed the remainder of the day's sitting.

A motion was then made by Mr. RANDOLPH that the proceedings upon the said Message of the President be had and conducted with open doors; and the question thereon being taken, it was determined in the negative—yeas 45, nays 77.

On motion of Mr. CALHOUN, the said report was ordered to lie on the table.

#### *Declaration of War.*

On a motion made, and leave given, Mr. CALHOUN, from the same committee, presented a bill declaring war between Great Britain and her dependencies and the United States and their territories; which was read the first time; and opposition being made thereto by Mr. RANDOLPH, the question was taken in the form prescribed by the rules and orders of the House, to wit: "Shall the bill be rejected?" And determined in the negative—yeas 45, nays, 76.

The bill was then read the second time, and committed to a Committee of the Whole to-day.

The House resolved itself into a Committee of the whole House on the said bill; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. BASSSETT reported that the committee had had the said bill under consid-

tion, and made some progress therein, and had directed him to ask leave to sit again.

*Ordered*, That the Committee of the whole House have leave to sit again on the said bill.

And then the House adjourned until to-morrow morning eleven o'clock.

#### THURSDAY, June 4.

A motion was made by Mr. MILNOR that the doors of the House be now opened; and was determined in the negative.

The House then resolved itself into a Committee of the whole House on the bill declaring War between Great Britain and her Dependencies and the United States and their Territories; and after some time spent therein, the Speaker resumed the chair, and Mr. BASSETT reported that the committee had had the said bill under consideration, and made no amendment thereto.

A motion was then made by Mr. QUINCY to amend the said bill, by adding thereto a new section, as follows:

"*Sec. — And be it further enacted*, That, from and after the passage of this act, the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,' passed the first day of May, one thousand eight hundred and ten; and, also, the act, entitled 'An act supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,"' passed the second day of March, one thousand eight hundred and eleven; and, also, the act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time,' passed the fourth day of April, one thousand eight hundred and twelve, be, and the same hereby are, repealed."

A motion was thereupon made by Mr. NELSON, that the bill and the proposed amendment be recommitted to a Committee of the whole House:

And the question thereon being taken, it was determined in the negative.

The question was then taken on the amendment proposed by Mr. QUINCY; and determined in the negative—yeas 42, nays 82.

No other amendment being proposed to the said bill, the question was taken that it be engrossed, and read the third time; and passed in the affirmative—yeas 78, nays 45, as follows:

**YEAS.**—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findlay, James Fisk, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefevre, Peter Little, Wm. Lowndes,

Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Robert Wright, and Richard Wynn.

**NAYS.**—John Baker, Josiah Bartlett, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldborough, Jacob Huffy, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., George C. Maxwell, Archibald McBryde, Arunah Metcalf, James Milnor, Jonathan O. Mosely, Thomas Newton, Joseph Pearson, Timothy Pitkin, jr., Eliasa R. Potter, Josiah Quincy, John Randolph, William Reed, Henry Ridgely, William Rodman, Richard Stanford, Philip Stuart, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

*Ordered*, That the said bill be read the third time to-day.

The said bill was engrossed, and read the third time accordingly, and the question stated that the same do pass: Whereupon, a motion was made by Mr. RANDOLPH, that the farther consideration of the said bill be postponed until the first Monday in October next; and the question thereon being taken, it was determined in the negative—yeas 42, nays 81.

A motion was then made by Mr. STOW, that the farther consideration of the said bill be postponed until to-morrow; and the question thereon being taken, it was determined in the negative—yeas 48, nays 78.

A motion was then made by Mr. GOLDSBOROUGH, that the House do now adjourn; and the question thereon being taken, it was determined in the negative—yeas 48, nays 82.

The question was then taken, that the said bill do pass; and resolved in the affirmative—yeas 79, nays 49, as follows:

**YEAS.**—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findlay, James Fisk, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefevre, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Ste-

phen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Robert Wright, and Richard Wynn.

**NAVA.**—John Baker, Josiah Bartlett, Harmanus Bleeker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Chas. Goldsborough, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., George C. Maxwell, Archibald McBryde, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jonathan O. Mosely, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Thomas Sammons, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

*Ordered*, That the title be, "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories."

Mr. MACON and Mr. FINDLAY were appointed a committee to carry the bill entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," to the Senate, and to inform them that the House of Representatives have passed the same, in confidence, and to request their concurrence therein.

THURSDAY, June 18.

*Bill Declaring War.*

A confidential message was received from the Senate, by a committee of that body appointed for the purpose, consisting of Mr. ANDERSON and Mr. VARNUM, notifying the House that the Senate have passed the bill, entitled "An act declaring War between Great Britain and her Dependencies, and the United States and their Territories," with amendments; in which they desire the concurrence of the House.

The House proceeded to consider the said amendments; when a motion was made by Mr. SHEFFER, that the said bill and amendments be postponed indefinitely.

A motion was then made by Mr. MILNOR, that the said bill and amendments do lie on the table; and the question thereon being taken, it passed in the affirmative—yeas 71, nays 46.

The House resumed the consideration of the amendments of the Senate to the aforesaid bill; when the question recurred on the motion of Mr. SHEFFER, and, being taken, it was determined in the negative—yeas 44, nays 85, as follows:

**YEA.**—John Baker, Abijah Bigelow, Harmanus

Bleeker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffield, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

**NAVA.**—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Barwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clapton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findlay, James Fisk, Meahack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefevre, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Nathaniel Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Wm. Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Robert Wright, and Richard Wynn.

A motion was made by Mr. RANDOLPH, that the said bill and amendments be postponed until the first Monday in October next. And the question thereon being taken, it was determined in the negative—yeas 49, nays 80.

A motion was then made by Mr. RANDOLPH, that the said bill and amendments be postponed until the first Monday in July next. And the question thereon being taken, it was determined in the negative—yeas 51, nays 79.

The said amendments were then concurred in by the House. And Mr. MACON and Mr. FINDLAY were appointed a committee to inform the Senate of the concurrence of the House in the said amendments.

Mr. CRAWFORD, from the Joint Committee for Enrolled Bills, reported that the committee had examined the said bill, and had found the same to be truly enrolled; when the Speaker signed the said bill, and the Committee of Enrollment were ordered to take it to the Senate, for the signature of their President.

Shortly after, Mr. CRAWFORD, from the same committee, reported that the committee had presented the said bill to the President of the

United States, for his approbation, and that they were instructed by the President to inform the two Houses that he had approved and signed the same.

On motion of Mr. CALHOUN, the injunction of secrecy was removed from so much of the journals as relates to the President's Message of the 1st instant, with the proceedings thereon. And then the House adjourned until to-morrow morning, 11 o'clock.

FRIDAY, June 19.

*Occupation of Florida.*

On motion of Mr. TROUP,

*Resolved*, That the committee to whom was referred so much of the President's Message, at the commencement of the session, as relates to the Spanish American colonies, be instructed to inquire into the expediency of authorizing the President of the United States to occupy East and West Florida without delay.

And then the doors were opened.

MONDAY, June 22.

On motion made, and leave given, Mr. MITCHELL, from the committee appointed on that part of the President's Message, at the commencement of the session, which relates to Spanish American colonies, presented a bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory, of the State Georgia, and for other purposes; which was read the first time. When a question was taken whether the subject matter of the said bill required secrecy; and passed in the affirmative—yeas 71, nays 44.

The said bill was then read the second time, and committed to a Committee of the Whole to-morrow; and the doors were then opened.

THURSDAY, June 25.

The House resolved itself into a Committee of the Whole on the bill authorizing the President to take possession of a tract of country lying south of the Mississippi Territory, of the State of Georgia, and for other purposes; and, after some time spent therein, the Speaker resumed the chair, and Mr. LEWIS reported that the committee had had the said bill under consideration, and made an amendment thereto; which he delivered in at the Clerk's table, where it was again read, and concurred in by the House. The question was then taken that the said bill be engrossed, and read the third time; and passed in the affirmative—yeas 70, nays 48, as follows:

YEAS.—William Anderson, Stevenson Archer, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Matthew Clay, James Cochran, John CLOPTON, Lewis Condict, William Crawford, Richard CUTTS, Roger Davis, John Dawson, Joseph Desha,

Samuel Dinsmoor, William Findlay, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Alexander McKim, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Samuel Shaw, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, and Robert Wright.

NAYS.—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, Jas. Milnor, Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William M. Richardson, Henry M. Ridgely, William Rodman, Thomas Sammons, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

*Ordered*, That the said bill be read the third time to-day.

The said bill was engrossed, and read the third time accordingly: When a motion was made by Mr. RIDGELY, that the same be postponed until Monday next; and the question being taken, it was determined in the negative.

The question was then taken that the said bill do pass; and resolved in the affirmative.

*Ordered*, That the title be, "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes."

Mr. MITCHELL and Mr. TROUP were appointed a committee to carry the said bill to the Senate, and inform them that this House have passed the same, in confidence, and request their concurrence therein; and the doors were then opened.

FRIDAY, June 26.

A motion was made by Mr. RANDOLPH, that the injunction of secrecy imposed by this House on the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," together with the injunction of secrecy imposed upon the proceedings of the said bill, be taken off: and, on the question that the House do

now proceed to the consideration of the said motion, it was determined in the negative.

A motion was then made by Mr. RIDGELY, that the House do come to the following resolution :

*Resolved, That the President of the United States be requested, if, in his opinion, it be compatible with the public interest, to lay before this House, confidentially or otherwise, full information of all the proceedings that have been had under and by virtue of the act of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes;" and also copies of all instructions that may have been issued by the Executive branch of this Government under the said act.*

And on the question that the House do now proceed to the consideration of the said resolution, it passed in the affirmative—yeas 78, nays 88.

The question was then taken that the said resolution do pass; and resolved in the affirmative—yeas 58, nays 51.

#### WEDNESDAY, July 1.

Mr. RIDGELY, from the committee appointed, on the 26th ultimo, to present a resolution to the President of the United States, reported that the committee had performed that service, and that the President answered, that a due attention should be paid to the subject.

#### *Occupation of Florida.*

A Message was then received from the President of the United States, by Mr. Coles, his Secretary, who delivered in the same, and withdrew.

The Message was read, and is as follows :

*To the House of Representatives of the United States :*

In compliance with the resolution of the House of Representatives, of the twenty-sixth of June, I transmit the information contained in the documents herewith enclosed. JAMES MADISON.

JULY 1, 1812.

The said documents were read; and the doors were then opened.

[The following letters, forming a part of the documents accompanying the above Message of the President of the United States, were ordered to be published by the House on the 6th instant.]

*From the Secretary of State to General George Mathews and Colonel John McKee, dated*

DEPARTMENT OF STATE,  
January 26, 1811.

The President of the United States having appointed you, jointly and severally, Commissioners for carrying into effect certain provisions of an act of Congress (a copy of which is enclosed) relative to the portion of the Floridas situated to the east of the Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you, with that discretion with which the delicacy and importance of the undertaking require.

Should you find Governor Folch, or the local authority existing there, inclined to surrender, in an amicable manner, the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish Monarchy, you are to accept, in behalf of the United States, the abdication of his, or of the other existing authority, and the jurisdiction of the country over which it extends. And, should a stipulation be insisted on for the redelivery of the country, at a future period, you may, engage for such redelivery to the lawful sovereign.

The debts clearly due from the Spanish Government to the people of the Territory, surrendered, may, if insisted on, be assumed within reasonable limits, and under specified descriptions, to be settled hereafter as a claim against Spain in an adjustment of our affairs with her. You may also guarantee, in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws; and Spanish civil functionaries, when no special reasons may require changes, are to be permitted to remain in office, with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situation of the country.

If it should be required, and be found necessary, you may agree to advance, as above, a reasonable sum for the transportation of the Spanish troops.

These directions are adapted to one of the contingencies specified in the act of Congress, namely, the amicable surrender of the possession of the Territory by the local ruling authority. But, should the arrangement contemplated by the statute, not be made, and should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and on the first undoubted manifestation of the approach of a force for that purpose, you will exercise with promptness and vigor, the powers with which you are invested by the President to pre-occupy by force, the Territory, to the entire exclusion of any armament that may be advancing to take possession of it. In this event you will exercise a sound discretion in applying the powers given with respect to debts, titles to land, civil officers, and the continuation of the Spanish laws; taking care to commit the Government on no point further than may be necessary. And should any Spanish military force remain within the country, after the occupancy by the troops of the United States, you may, in such case, aid in their removal from the same.

The universal toleration which the laws of the United States assure to every religious persuasion, will not escape you as an argument for quieting the minds of uninformed individuals, who may entertain fears on that head.

The conduct you are to pursue in regard to East Florida, must be regulated by the dictates of your own judgments, on a close view and accurate knowledge of the precise state of things there, and of the real disposition of the Spanish Government, always recurring to the present instruction as the paramount rule of your proceedings. Should you discover an inclination in the Governor of East Florida, or in the existing local authority, amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And, in case of the actual appearance of any attempt to take possession by a foreign power

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you will pursue the same effective measures for the occupation of the Territory, and for the exclusion of foreign force, as you are directed to pursue with respect to the country east of the Perdido, forming, at this time, the extent of Governor Folch's jurisdiction.

If you should under these instructions, obtain possession of Mobile, you will lose no time in informing Governor Claiborne thereof, with a request that he will, without delay, take the necessary steps for the occupation of the same.

All ordnance and military stores that may be found in the Territory must be held as the property of the Spanish Government, to be accounted for hereafter to the proper authority; and you will not fail to transmit an inventory thereof to this Department.

If, in the execution of any part of these instructions, you should need the aid of a military force, the same will be afforded you upon your application to the commanding officer of the troops of the United States on that station, or to the commanding officer of the nearest post, in virtue of orders which have been issued from the War Department. And, in case you should moreover need naval assistance, you will receive the same upon your application to the naval commander, in pursuance of orders from the Navy Department.

From the Treasury Department will be issued the necessary instructions in relation to imposts and duties, and to the slave ships whose arrival is apprehended.

The President, relying upon your discretion, authorizes you to draw upon the Collectors of Orleans and Savannah for such sums as may be necessary to defraying unavoidable expenses that may be incurred in the execution of these instructions, not exceeding, in your drafts on New Orleans, eight thousand dollars, and in your drafts on Savannah two thousand dollars, without further authority; of which expenses you will hereafter exhibit a detailed account, duly supported by satisfactory vouchers.

POSTSCRIPT.—If Governor Folch should unexpectedly require and pertinaciously insist that the stipulation for the re-delivery of the territory should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may by implication comprehend that portion of the country; but, at the same time, you are expressly to provide, that such stipulation shall not, in any way, impair or affect the right or title of the United States to the same.

*The Secretary of State to General Matthews.*

DEPARTMENT OF STATE, April 4, 1812.

SIR,—I have had the honor to receive your letter of the fourteenth of March, and have now to communicate to you the sentiments of the President, on the very interesting subject to which it relates.

I am sorry to have to state that the measures which you appear to have adopted for obtaining possession of Amelia Island, and other parts of East Florida, are not authorized by the law of the United States, or by the instructions founded on it, under which you have acted.

You were authorized by the law, a copy of which was communicated to you, and by your instructions, which are strictly conformable to it, to take posses-

sion of East Florida, only in case one of the following contingencies should happen: either that the Governor or other existing local authority should be disposed to place it amicably in the hands of the United States, or that an attempt should be made to take possession of it by a foreign power. Should the first contingency happen, it would follow, that the arrangement being amicable, would require no force on the part of the United States to carry into effect. It was only in case of an attempt to take it by a foreign power that force could be necessary, in which event only were you authorized to avail yourself of it.

In either of these contingencies was it the policy of the law, or purpose of the Executive, to wrest the province forcibly from Spain; but only to occupy it with a view to prevent its falling into the hands of any foreign power, and to hold that pledge, under the existing peculiarity of the circumstances of the Spanish Monarchy, for a just result in an amicable negotiation with Spain.

Had the United States been disposed to proceed otherwise, that intention would have been manifested by a change of the law, and suitable measures to carry it into effect. And as it was in their power to take possession whenever they might think that circumstances authorized and required it, it would be more to be regretted, if possession should be effected by any means irregular in themselves, and subjecting the Government of the United States to unmerited censure.

The views of the Executive respecting East Florida, are further illustrated by your instructions as to West Florida. Although the United States have thought that they had a good title to the latter province, they did not take possession until after the Spanish authority had been subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands, had forced itself into view. Nor did they then, nor have they since, dispossessed the Spanish troops of the post which they occupied. If they did not think proper to take possession by force, of a province to which they thought they were justly entitled, it could not be presumed that they should intend to act differently, in respect to one to which they had not such a claim.

I may add, that, although due sensibility has been always felt for the injuries which were received from the Spanish Government in the last war, the present situation of Spain has been a motive for a moderate and pacific policy towards her.

In communicating to you these sentiments of the Executive on the measures you have lately adopted for taking possession of East Florida, I add, with pleasure, that the utmost confidence is reposed in your integrity and zeal to promote the welfare of your country. To that zeal the error into which you have fallen, is imputed. But, in consideration of the part which you have taken, which differs so essentially from that contemplated and authorized by the Government, and contradicts so entirely the principle on which it has uniformly and sincerely acted, you will be sensible of the necessity of discontinuing the service in which you have been employed.

You will, therefore, consider your powers as revoked on the receipt of this letter. The new duties to be performed will be transferred to the Governor of Georgia, to whom instructions will be given on all the circumstances to which it may be proper, at the present juncture, to call his attention. I am, &c.,

GENERAL MATTHEWS, &c.

*The Secretary of State to His Excellency D. B. Mitchell, the Governor of Georgia.*

DEPARTMENT OF STATE, April 10, 1812.

SIR,—The President is desirous of availing the public of your services, in a concern of much delicacy and of high importance to the United States. Circumstances with which you are in some degree acquainted, but which will be fully explained by the enclosed papers, have made it necessary to revoke the powers heretofore committed to General Matthews, and to commit them to you. The President is persuaded that you will not hesitate to undertake a trust so important to the nation, and peculiarly to the State of Georgia. He is the more confident in this belief, from the consideration that these new duties may be discharged without interfering, as he presumes, with those of the station which you now hold.

By the act of the fifteenth of January, one thousand eight hundred and eleven, you will observe that it was not contemplated to take possession of East Florida, or any part thereof, unless it should be surrendered to the United States amicably by the Governor, or other local authority of the province, or against an attempt to take possession of it by a foreign power: and you will also see that General Matthews' instructions, of which a copy is likewise enclosed, correspond fully with the law.

By the documents in possession of the Government, it appears that neither of these contingencies have happened; that, instead of an amicable surrender by the Governor, or other local authority, the troops of the United States have been used to dispossess the Spanish authority by force. I forbear to dwell on the details of this transaction, because it is painful to recite them. By the letter to General Matthews, which is enclosed, open for your perusal, you will fully comprehend the views of the Government respecting the late transaction; and, by the law, the former instructions to the General, and the late letter now forwarded, you will be made acquainted with the course of conduct which it is expected of you to pursue in future, in discharging the duties heretofore enjoined on him.

It is the desire of the President that you should turn your attention and direct your efforts, in the first instance, to the restoration of that state of things in the province which existed before the late transactions. The Executive considers it proper to restore back to the Spanish authorities, Amelia Island, and such other parts, if any, of East Florida, as may have thus been taken from them. With this view, it will be necessary for you to communicate *directly* with the Governor or principal officer of Spain in that province, and to act in harmony with him in the attainment of it. It is presumed that the arrangement will be easily and amicably made between you. I enclose you an order from the Secretary of War to the commander of the troops of the United States to evacuate the country, when requested so to do by you, and to pay the same respect in future to your order in fulfilling the duties enjoined by the law, that he had been instructed to do to that of General Matthews.

In restoring to the Spanish authorities Amelia Island, and such other parts of East Florida as may have been taken possession of in the name of the United States, there is another object to which your particular attention will be due. In the measures lately adopted by General Matthews to take posses-

sion of that territory, it is probable that much reliance has been placed, by the people who acted in it, on the countenance and support of the United States. It will be improper to expose these people to the resentment of the Spanish authorities. It is not to be presumed that those authorities, in regaining possession of the Territory, in this amicable mode, from the United States, will be disposed to indulge any such feeling towards them. You will, however, come to a full understanding with the Spanish Governor on this subject, and not fail to obtain from him the most explicit and satisfactory assurance respecting it. Of this assurance you will duly apprise the parties interested, and of the confidence which you repose in it. It is hoped, that, on this delicate and very interesting point, the Spanish Governor will avail himself of the opportunity it presents to evince the friendly disposition of his Government toward the United States.

There is one other remaining circumstance only to which I wish to call your attention, and that relates to General Matthews himself. His gallant and meritorious services in our Revolution, and patriotic conduct since, have always been held in high estimation by the Government. His errors, in this instance, are imputed altogether to his zeal to promote the welfare of his country; but they are of a nature to impose on the Government the necessity of the measures now taken, in giving effect to which you will doubtless feel a disposition to consult, as far as may be, his personal sensibility. I have the honor to be, &c.,

JAMES MONROE.

P. S.—Should you find it impracticable to execute the duties designated above, in person, the President requests that you will be so good as to employ some very respectable character to represent you in it, to whom you are authorized to allow a similar compensation. It is hoped, however, that you may be able to attend to it in person, for reasons which I need not enter into. The expenses to which you may be exposed will be promptly paid to your draft on this Department.

*The Secretary of State to D. B. Mitchell, Esq., Governor of Georgia.*

DEPARTMENT OF STATE, May 27, 1812.

SIR,—I have had the honor to receive your letter of the second instant, from St. Mary's, where you had arrived in discharge of the trust reposed in you by the President, in relation to East Florida.

My letter by Mr. Isaacs, has, I presume, substantially answered the most important of the queries submitted in your letter, but I will give to each a more distinct answer.

By the law, of which a copy was forwarded to you, it is made the duty of the President to prevent the occupation of East Florida by any foreign power. It follows that you are authorized to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops, of any description, as the case contemplated by the law, and to use the proper means to defeat it.

An instruction will be immediately forwarded to the commander of the naval force of the United States, in the neighborhood of East Florida, to give you any assistance, in case of emergency, which you may think necessary, and require.

It is not expected, if you find it proper to withdraw



the troops, that you should interfere to compel the patriots to surrender the country, or any part of it, to the Spanish authorities. The United States are responsible for their own conduct only, not for that of the inhabitants of East Florida. Indeed, in consequence of the compromitment of the United States to the inhabitants, you have been already instructed not to withdraw the troops, unless you find that it may be done consistently with their safety, and to report to the Government the result of your conferences with the Spanish authorities, with your opinion of their views, holding in the mean time the ground occupied.

In the present state of our affairs with Great Britain the course above pointed out is the more justifiable and proper. I have the honor to be, &c.,

JAMES MONROE.

FRIDAY, July 8.

A message was received from the Senate, by Mr. SMITH, of Maryland, and Mr. LEIB, a committee appointed for the purpose, notifying the House that the Senate have rejected the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes."

MONDAY, July 6.

On motion of Mr. BIBB,

*Resolved*, That the injunction of secrecy, so far as concerns "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes," passed on the twelfth of January, one thousand eight hundred and eleven, and "A bill authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes;" passed the twenty-fifth of June last, and the proceedings thereon, respectively, be removed. And, also, so far as relates to the following letters: two from the Secretary of State to General G. Matthews, one dated the twenty-sixth of January, one thousand eight hundred and eleven, and the other the fourth of April, one thousand eight hundred twelve and two from Mr. Monroe to General D. B. Mitchell, one dated the tenth of April, the other the twenty-seventh of May, one thousand eight hundred and twelve.

The doors were then opened.

## TWELFTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, NOVEMBER 2, 1812.

## PROCEEDINGS IN THE SENATE.

MONDAY, November 2, 1812.

The second session of the twelfth Congress commenced this day at the city of Washington, conformably to the act passed at the last session, entitled "An act fixing the time for the next meeting of Congress;" and the Senate assembled in their Chamber.

## PRESENT.

NICHOLAS GILMAN and CHARLES CUTTS, from New Hampshire.

JOSEPH B. VARNUM, from Massachusetts.

CHAUNCEY GOODRICH, from Connecticut.

JEREMIAH B. HOWELL, from Rhode Island.

JONATHAN ROBINSON, from Vermont.

JOHN LAMBERT, from New Jersey.

MICHAEL LEIB, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH, from Maryland.

JESSE FRANKLIN and JAMES TURNER, from North Carolina.

JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD and CHARLES TAIT, from Georgia.

GEORGE W. CAMPBELL, from Tennessee.

THOS. WORTHINGTON and ALEXANDER CAMPBELL, from Ohio.

There being no quorum, the Senate adjourned till to-morrow.

TUESDAY, November 3.

ANDREW GREGG, from the State of Pennsylvania, and JOHN TAYLOR, from the State of South Carolina, severally attended.

WILLIAM H. CRAWFORD, President *pro tempore*, resumed the chair.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled and ready to proceed to business. The House have appointed a committee on their part, jointly with such commit-

tee as may be appointed on the part of the Senate, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communication that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. GAILLARD, and SMITH of Maryland, were appointed the committee.

A committee was appointed agreeably to the 42d rule for conducting business in the Senate. Messrs. LEIB, FRANKLIN, and GREGG, are the committee.

*Resolved*, That each Senator be supplied, during the present session, with three such newspapers printed in any of the States as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers; and provided, also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

Mr. GAILLARD reported from the joint committee, that they had waited on the President of the United States, and that the President had informed the committee that he would make a communication to the two Houses at twelve o'clock to-morrow.

WEDNESDAY, November 4.

OBADIAH GERMAN, from the State of New York, took his seat in the Senate.

On motion by Mr. LEIB, a committee of three members were appointed, who, with three members of the House of Representatives, to be appointed by the said House, shall have the direction of the money appropriated to the purchase of books and maps for the use of the two Houses of Congress; and Messrs. LEIB, TAIT, and CAMPBELL of Tennessee, were appointed the committee on the part of the Senate.

NOVEMBER, 1812.]

*President's Annual Message.*

[SENATE.]

*President's Annual Message.*

The following Message was received from the  
PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate*

*and House of Representatives:*

On our present meeting, it is my first duty to invite your attention to the providential favors which our country has experienced, in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan Territory, with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier General Hull was charged with this provisional service; having under his command a body of troops composed of regulars and volunteers from the State of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy, with a prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace, and promoted civilization among that wretched portion of the human race; and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation; for it is committed in the face of our example. They cannot mitigate it, by calling it a self-defence against men in arms; for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation, boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune of Detroit was not, however, without a consoling effect. It was followed by signal proofs that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendered with it, inspired every where new ardor and determination. In the States and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once, to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier General Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations, than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan Territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy; a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces, under the command of Major General Van Rensselaer, of the militia of the State of New York. The attack, it appears, was ordered, in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were, for a time, victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes, among the killed, the commanding general, who was also Governor of the province; and was sustained by veteran troops, from inexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide, on them, a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will insure, for the next, a naval ascendancy, where it is essential to our permanent peace with, and control over, the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the Governors of Massachusetts and Connecticut to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject. It is obvious that, if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state

of declared war, and of course, under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the public safety may have no other resource, than in those large and permanent military establishments which are forbidden by the principles of our free Government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports; having been much favored in it by the course pursued by a squadron of our frigates, under the command of Commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer, and all on board, a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification; and our Chargé d'Affaires at London was, at the same time, authorized to agree to an armistice founded upon them. These terms required that the Orders in Council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the Orders susceptible of explanations meeting the views of this Government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed, with respect to seamen, would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the Department of State, which relate to this subject, will give a view also of the propositions for an armistice, which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British

Government itself, through Admiral Warren; and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of British Orders in Council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special Minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish Government. From Russia, we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The Consul General, residing with that Regency, has suddenly, and without cause, been banished together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the Consul on the latter supposition.

The Indian tribes, not under foreign instigation, remain at peace, and receive the civilizing attention which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the Military Establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other. And although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

NOVEMBER, 1812.]

*Proceedings.*

[SENATE.]

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the Legislature, the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries, and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematic, and better adapting them to the emergencies of the war, is, at this time, particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building, the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force, and its success, both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses is not a sufficient guard against the use of them for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels which were in England when the revocation of the Orders in Council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provisions as they may think proper. In their decision, they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the Treasury during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars; which have been sufficient to defray all the demands on the Treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session: the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of

British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties; though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end: and that it was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were reiterated to the last hour, through the British Envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes; it would have struck us from the high ranks where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that, on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all-powerful Being who holds in his hand the chain of events, and the destiny of nations. It remains only, that, faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the Divine blessing, of speedily obtaining it.

JAMES MADISON.

WASHINGTON, November 4, 1812.

The Message and documents were read, and twelve hundred and fifty copies ordered to be printed for the use of the Senate.

THURSDAY, November 12.

PHILIP REED, from the State of Maryland, took his seat in the Senate.

WEDNESDAY, November 18.

ALLAN B. MAGEUDER, appointed a senator by the Legislature of the State of Louisiana, (and who arrived on the 15th,) produced his creden-

SENATE.]

*Death of the Representative, John Smilie.*

[DECEMBER, 1812.]

tials, was qualified, and then took his seat in the Senate.

WILLIAM HUNTER, from the State of Rhode Island and Providence Plantations, and JAMES LLOYD, from the State of Massachusetts, severally took their seats in the Senate.

FRIDAY, November 20.

STEPHEN R. BRADLEY, from the State of Vermont, took his seat in the Senate.

MONDAY, November 23.

JOHN POPE, from the State of Kentucky, took his seat in the Senate.

THURSDAY, November 26.

RICHARD BRENT, from the State of Virginia, attended; and there being no quorum present the Senate adjourned.

FRIDAY, November 27.

The Senate resumed the consideration of the motion submitted the 24th instant, that they proceed to ascertain the classes in which the Senators of the State of Louisiana should be inserted, as the constitution and rule heretofore prescribe; and, having agreed thereto,

On motion by Mr. TAYLOR,

*Ordered*, That the Secretary roll up, and put into the ballot box, two lots, No. 1 and No. 3; that the Senator for whom lot No. 1 shall be drawn, shall be inserted in the class of Senators whose terms of service expire on the third day of March next; and the Senator for whom lot No. 3 shall be drawn, shall be inserted in the class of Senators whose terms of service expire four years after the third day of March next.

Whereupon, the numbers above mentioned were by the Secretary rolled up and put into the box, and No. 1 was drawn for ALLAN B. MAGRUDER, who is accordingly in the class of Senators whose terms of service will expire on the third day of March next; and No. 3 was drawn for THOMAS POSEY, who is accordingly in the class of Senators whose terms of service will expire in four years after the third day of March next.

MONDAY, November 30.

GEORGE M. BIBB, from the State of Kentucky, arrived on the 29th, and attended this day.

MONDAY, December 7.

THOMAS POSEY, appointed a Senator by the Governor of the State of Louisiana in place of John Destrahan, resigned, produced his credentials, was qualified, and then took his seat in the Senate.

WEDNESDAY, December 9.

*Encouragement to Privateers.*

On motion by Mr. GILES,

*Resolved*, That a committee be appointed to inquire into the expediency of offering encouragements at this time to all mariners and seamen to bring within any of the ports of the United States British public and private armed ships, as well as merchant ships or vessels, belonging to the subjects of the United Kingdom of Great Britain and Ireland; and that the committee have leave to report by bill or otherwise.

Messrs. GILES, LLOYD, SMITH of Maryland, TAIT, and TAYLOR, were appointed the committee.

FRIDAY, December 11.

SAMUEL W. DANA, from the State of Connecticut, attended.

*Capture of the Macedonian and the Frolic.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I transmit to Congress copies of a letter to the Secretary of the Navy, from Captain Decatur, of the frigate United States, reporting his combat and capture of the British frigate Macedonian. Too much praise cannot be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit, also, a letter from Captain Jones, who commanded the sloop of war Wasp, reporting his capture of the British sloop of war Frolic, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation, feeling what it owes to itself and to its citizens, could never abandon to arbitrary violence, on the ocean, a class of them which give such examples of capacity and courage, in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, preference of justice and peace, to hostility against a country, whose prosperous career may be accelerated, but cannot be prevented by the assaults made on it.

JAMES MADISON.

WASHINGTON, Dec. 11, 1812.

The Message and papers were read, and referred to the committee appointed 9th November last, to consider that part of the Message of the President of the United States which relates to the Naval Establishment.

THURSDAY, December 31.

*Death of the Representative, John Smilie.*

A message from the House of Representatives informed the Senate of the death of JOHN SMILIE, late a member of the House of Representatives, from the State of Pennsylvania; and that his remains will be interred this day at two o'clock.

JANUARY, 1813.]

*Capture of British Vessels on Lake Erie.*

[SENATE.]

*Resolved*, That the Senate will attend the funeral of JOHN SMILIE, late a member of the House of Representatives from the State of Pennsylvania, this day at two o'clock; and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm for thirty days.

TUESDAY, January 5, 1813.

The credentials of JOHN GAILLARD, appointed a Senator by the Legislature of the State of South Carolina, for six years, commencing on the 4th day of March next, were presented, read, and ordered to lie on file.

WEDNESDAY, January 6.

The credentials of ABNER LACOCK, appointed a Senator by the Legislature of the State of Pennsylvania for the term of six years, commencing on the 4th day of March next, were read, and ordered to lie on file.

MONDAY, January 11.

JAMES A. BAYARD, from the State of Delaware, arrived on the 9th instant, and attended this day.

WEDNESDAY, January 13.

*Capture of British Vessels.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate of the United States:*

I transmit to the Senate copies of the correspondence called for by their resolution of the 7th instant.  
JAMES MADISON.

JANUARY 13, 1813.

The Message and papers therein referred to were read, and referred to the committee appointed the 9th November, on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon.

The documents are as follow :

BLACK ROCK, October 9, 1812.

SIR: I have the honor to inform you that, on the morning of the 8th instant, two British vessels, which I was informed were His Britannic Majesty's brig Detroit, late the United States' brig Adams, and the brig Hunter, mounting fourteen guns, but which afterwards proved to be the brig Caledonia, both said to be well armed and manned, came down the lake, and anchored under the protection of Fort Erie. Having been on the lines for some time, and in a measure inactively employed, I determined to make an attack, and, if possible, get possession of them; a strong inducement to this attempt arose from a conviction that, with those two vessels, added to those which I have purchased and am fitting out, I should be able to meet the remainder of the British force on the upper lakes, and save an incalculable expense and labor to the Government. On the morning of their arrival, I heard that our seamen were but a short distance from this place, and immediately de-

spatched an express to the officers, directing them to use all possible despatch in getting the men to this place, as I had important service to perform. On their arrival, which was about 12 o'clock, I discovered that they had only twenty pistols, and neither cutlasses nor battle axes; but on application to Generals Smyth and Hall, of the regulars and militia, I was supplied with a few arms, and General Smyth was so good, on my request, as immediately to detach fifty men from the regulars, armed with muskets; by four o'clock, in the afternoon, I had my men selected and stationed in two boats which I had previously prepared for the purpose; with those boats, fifty men in each, and under circumstances very disadvantageous, my men having had scarcely time to refresh themselves, after a fatiguing march of five hundred miles, I put off from the mouth of Buffalo creek, at one o'clock the following morning; and at three I was alongside the vessels; in about ten minutes I had the prisoners all secured, the topsails sheeted home, and the vessels under way; unfortunately the wind was not sufficiently strong to get me up against a rapid current into the lake, where I understood another armed vessel lay at anchor, and I was obliged to run down the river by the forts, under a heavy fire of round, grape, and canister, from a number of pieces of heavy ordnance, and several pieces of flying artillery; was compelled to anchor at a distance of about four hundred yards from two of their batteries. After the discharge of the first gun, which was from the flying artillery, I hauled to the shore, and observed to the officer that if another gun was fired, I would bring the prisoners on deck, and expose them to the fate we should all share; but notwithstanding they disregarded the caution, continuing a constant and destructive fire, one single moment's reflection determined me not to commit an act that would subject me to the imputation of barbarity. The Caledonia had been beached in as safe a position as the circumstances would admit of, under one of our batteries at Black Rock; I now brought all the guns of the Detroit on one side, next the enemy, stationed the men at them, and directed a fire, which was continued as long as our ammunition lasted, and circumstances permitted. During the contest, I endeavored to get the Detroit on our side, by sending a line (there being no wind) on shore, with all the line I could muster; but the current being so strong the boat could not reach the shore. I then hauled on shore, and requested that warps should be made fast on the land and sent on board, the attempt to do which again proved useless. As the fire was such as would, in all probability, sink the vessel in a short time, I determined to drop down the river, out of reach of the batteries, and make a stand against the flying artillery. I accordingly cut the cable and made sail, with very light airs, and at that instant discovered that the pilot had abandoned me. I dropped astern, for about ten minutes, when I was brought up on our shore, on Squaw Island; got the boarding boat made, had all the prisoners put in and sent on shore, with directions for the officer to return for me, and what property we could get from the brig; he did not return, owing to the difficulty of the boat's getting ashore. Discovering a skiff under the counter, I sent the four remaining prisoners in the boat, and, with my officer, I went on shore to bring the boat off; I asked for protection to the brig of Lieutenant Colonel Scott, who readily gave it; at this moment I discovered a boat, with about forty soldiers, from the British side, making for the brig;

they got on board, but were soon compelled to abandon her, with the loss of nearly all their men. During the whole of this morning both sides of the river kept up, alternately, a constant fire on the brig, and so much injured her that it was impossible to have floated her. Before I left her, she had received twelve shot, of large size, in her bends, her sails in ribands, and her rigging all cut to pieces. To my officers and men, I feel under great obligations; to Captain Towson, and Lieutenant Roach, of the second regiment of artillery; Ensign Prestman, of the infantry; to Cornelius Chapin, Mr. John McComb, Messrs. John Tower, Thomas Davis, Peter Overacks, James Sloan, resident gentlemen of Buffalo, for their soldier and sailor-like conduct; in a word, every man fought with their hearts animated only by the interest and honor of their country. The prisoners I have turned over to the military. The Detroit mounted six six-pound long guns; a commanding lieutenant, a lieutenant of marines, a boatswain and gunner, and fifty-six men; about thirty American prisoners on board; muskets, pistols, and battle-axes; in boarding her, I lost one man, one officer wounded; Mr. John C. Cummings, acting midshipman, a bayonet through the leg; his conduct was correct, and deserves the notice of the Department.

The Caledonia mounted two small guns, blunderbusses, pistols, muskets, cutlasses, and boarding pistols; twelve men, including officers; ten prisoners on board; the boat boarding her, commanded by Sailing-master George Watts, performed his duty in a masterly style; but one man killed and four wounded badly, I am afraid mortally.

I enclose you a list of the officers and men engaged in the enterprise, and also a view of the lake and river in the different situations of attack; in a day or two I shall forward the names of the prisoners. The Caledonia belongs to the Northwest Company, laden with furs, worth, I understood, two hundred thousand dollars.

JESSE D. ELLIOTT.

HON. PAUL HAMILTON,  
*Secretary of the Navy.*

*Lieutenant Elliott to the Secretary of the Navy.*

BLACK ROCK, October 10, 1812.

SIR: In my letter of yesterday's date, I stated my intention to enclose to you a list of the officers and men engaged with me in capturing His Britannic Majesty's brig, the Detroit, and brig Caledonia. The incessant fire of the enemy, and my own constant engagements for the protection of the vessels, compel me to postpone sending that list until another opportunity. Last evening, having observed an intention, on the part of the enemy, to remove the ordnance and military stores with which the Detroit was charged, I determined at once to set her on fire; thereby to prevent her having the aid of masts and yards in getting her guns into boats, she having five twelve-pound guns in her hold, and six six-pounders upon her deck, that I could prepare them, and, with my sailors, remove the ordnance during the night, when unobserved by the enemy. These preparations I am now making, and shall, with as much expedition as possible, continue to get the ordnance, and place it in our battery, as we are much in want—not one piece at Black Rock. The Caledonia I have perfectly recovered from the enemy.

I have the honor to be, with great respect, &c.,  
JESSE D. ELLIOTT.

*Lieutenant Elliott to Commodore Chauncey, dated  
BLACK ROCK, October 10, 1812.*

SIR: I have the honor to inform you that, on the morning of the 8th instant, two vessels, under British colors, came down Lake Erie, and anchored under the protection of Fort Erie; that, on the same day, a detachment of men arrived from New York, accompanied by Sailingmasters Watts and Chisson, with some masters' mates and midshipmen; that, on the morning following, I, with two boats previously prepared for the purpose, boarded and took possession of them, with the loss of two men killed, Samuel Fortune and Daniel Martin, and four wounded—Acting Midshipman John C. Cummings, John Garling, Nathan Armstrong, Jerome Sardie, and John Yosen. As there is not a probability of your receiving this shortly, I have made a communication to the Department upon the subject, a copy of which I enclose for your perusal. I beg you will not have conceived me hasty in making this attack. I acted as if the action came directly from yourself.

Let me recommend to your particular attention the officers and men who performed this service—each and all did their duty. The ensign of the Adams I will send you at an early opportunity; it is at your disposal. The particulars, as it regards the vessels, I will forward you in a day or two; at present I am much engaged. With sentiments, &c.

P. S. I have neglected mentioning to you the names of the vessels captured. One, His Britannic Majesty's brig, "the Detroit," formerly the United States' brig Adams; the other, a brig belonging to the Northwest Company, loaded with skins, called the Caledonia.

*Commodore Chauncey to Paul Hamilton, Esq., Secretary of the Navy.*

SACKETT'S HARBOR, October 16, 1812.

SIR: I have great pleasure in informing you that, by a gentleman who arrived here yesterday afternoon, from Buffalo, I learn that Lieutenant Elliott, with about sixty sailors, and a number of volunteer militia, cut out from under the guns of Fort Erie, on the night of the 8th instant, the brig Adams (lately surrendered at Detroit) and the schooner Caledonia, laden with peltry, said to be very valuable; but, in running these vessels for Black Rock, they both grounded, in such a situation that the British fort was firing on them, when my informant left there on Friday morning last. It was, however, believed that, if they could not be got off, they could be destroyed. I, however, hope that Lieutenant Elliott will be able to save both vessels; for, such an addition to our little force on Lake Erie, at this time, would be invaluable. Lieutenant Elliott deserves much praise for the promptness with which he executed this service; as the sailors had only arrived at Black Rock on the 8th, and he had no particular orders from me, except to have boats built and prepared for cutting out the British vessels, which I knew rendezvoused near Fort Erie. If Lieutenant Elliott succeeds in saving the Adams and Caledonia, I think that we shall obtain the command of Lake Erie before December; but, as to this lake, I hardly know what to say, as there has not a single pound of powder, nor a gun, arrived yet, and I can make no calculation when any will arrive. I feel quite discouraged, and shall be tempted to seek the enemy, with the Oneida alone, if the guns do not arrive soon.



FEBRUARY, 1813.]

Counting Electoral Votes.

[SENATE.]

The sailors have all arrived at their places of destination; but the marines have not arrived. I, however, hope to see them to-day or to-morrow.  
I have the honor to be, &c.

ISAAC CHAUNCEY.

HON. PAUL HAMILTON,  
*Secretary of the Navy.*

SACKETT'S HARBOR, October 27, 1812.

SIR: I have the honor of enclosing you copies of two letters from Lieutenant Elliott, giving an account of his having cut out from under Fort Erie, on Lake Erie, in a most gallant manner, two British brigs, the Detroit (late Adams) and the Caledonia. The Detroit was manned and armed as a man of war; the Caledonia belonged to the Northwest Company, and was loaded with peltry.

Nothing that I can say, more than I have already said in a former communication upon this subject, will add to the credit of Lieutenant Elliott, and the gallant officers and men who accompanied him. The thing speaks for itself, and will, I am sure, be duly appreciated by all who may have any idea of the difficulties that he had to encounter, after getting possession of these vessels. I have the honor to be, &c.

ISAAC CHAUNCEY.

HON. PAUL HAMILTON,  
*Secretary of the Navy.*

WASHINGTON, Jan. 8, 1813.

SIR: In answer to your note, requesting of me "a general description of the armament and stores on board at the time of the capture of the Adams, and the probable number of men," I can state that I sailed from Malden in the Adams, and arrived at Fort Erie on the morning preceding the night in which you captured that vessel. I left her in the afternoon, and crossed in her boat to Buffalo, with a flag. When I left the Adams, she had on board five guns mounted, (six and four pounders,) and six long twelves in her hold. She had also on board a quantity of powder and ball, and a number of boxes of muskets. I am not able to state, of my own knowledge, the number of stand of arms, but I have been informed that nearly all the arms taken at Detroit were on board; if that was the fact, the number must have been two thousand. The number of the crew that I left on board could not vary much from sixty, and the number of American prisoners about thirty, including three officers. I have the honor to be, &c.

HARRIS H. HICKMAN.

Lieut. D. ELLIOTT, U. S. Navy.

NAVY DEPARTMENT, October 27, 1812.

SIR: I have received, with great satisfaction, your communication of the ninth instant, and have been desired by the President of the United States to return to you, and through you to the officers and men under your command, in the expedition to Fort Erie, which terminated to the glory of the American arms, his particular thanks. I am, with great respect, &c.

PAUL HAMILTON.

P. S. Your having abstained from fulfilling your intimation that you would expose your prisoners to the enemy's fire, is highly approved.

JAMES D. ELLIOTT, Esq.,  
*Lieut. Commanding, Black Rock.*

TUESDAY, January 26.

*Honors to Hull, Decatur, Jones, and Elliott.*

The amendment to the joint resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, having been reported by the committee correctly engrossed, the resolution was read a third time as amended; and the title thereof was amended, to read as follows: "A resolution relative to the brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott."

*Resolved*, That this resolution pass with amendments.

FRIDAY, February 5.

JAMES BROWN, appointed a Senator by the State of Louisiana, in the place of John Noel Detrehan, resigned, produced his credentials, was qualified, and took his seat in the Senate.

TUESDAY, February 9.

The credentials of CHAUNCEY GOODRICH, appointed a Senator by the Legislature of the State of Connecticut for the term of six years, commencing on the 4th day of March next, were read, and laid on file.

WEDNESDAY, February 10.

*Counting Electoral Votes.*

A message from the House of Representatives informed the Senate that the House agree to the report of the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, and have appointed Messrs. MACON and TALLMADGE, tellers, on their part.

*Ordered*, That Mr. FRANKLIN be appointed a teller of the ballots for President and Vice President of the United States, on the part of the Senate, in place of Mr. GALLARD, absent from indisposition.

A message from the House of Representatives informed the Senate that the House is now ready to attend the Senate in opening the certificates and counting the votes of the Electors of the several States, in the choice of a President and Vice President of the United States, in pursuance of the resolution of the two Houses of Congress; and that the President of the Senate will be introduced to the Speaker's Chair, by the Speaker of the House of Representatives.

The two Houses of Congress, agreeably to the joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors of the several States were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the President of the Senate, which was read, as follows:

STATES.	President.		Vice President.	
	James Madison.	De Witt Clinton.	Elbridge Gerry.	Jared Ingersoll.
New Hampshire - -	-	8	1	7
Massachusetts - -	-	23	2	20
Rhode Island - -	-	4	-	4
Connecticut - -	-	9	-	9
Vermont - -	8	-	8	-
New York - -	-	29	-	29
New Jersey - -	-	8	-	8
Pennsylvania - -	25	-	25	-
Delaware - -	-	4	-	4
Maryland - -	6	5	6	5
Virginia - -	25	-	25	-
North Carolina - -	15	-	15	-
South Carolina - -	11	-	11	-
Georgia - -	8	-	8	-
Kentucky - -	12	-	12	-
Tennessee - -	8	-	8	-
Ohio - -	7	-	7	-
Louisiana - -	3	-	3	-
Totals - -	128	89	181	86

The whole number of votes being 217, of which 109 makes a majority: JAMES MADISON had for President of the United States 128 votes, and ELBRIDGE GERRY had for Vice President of the United States 181 votes:

Whereupon, the President of the Senate declared JAMES MADISON elected President of the United States, for four years, commencing with the fourth day of March next, and ELBRIDGE GERRY, Vice President of the United States, for four years, commencing on the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated, and the Senate returned to their own Chamber; and, on motion, adjourned.

THURSDAY, February 11.

*Vice President Elect.*

On motion, by Mr. FRANKLIN,  
Resolved, That the President of the United States be requested to cause to be transmitted to ELBRIDGE GERRY, Esq., of Massachusetts, Vice President elect of the United States, notification of his election to that office, and that the President of the Senate do make and sign a certificate in the words following, to wit:

"Be it enacted, That the Senate and House of Representatives of the United States of America, being convened at the city of Washington, on the second Wednesday of February, in the year of our Lord one thousand eight hundred and thirteen, the underwritten President of the Senate, pro tempore, did, in the presence of the said Senate and House of Repre-

sentatives, open all the certificates and count all the votes of the Electors for a President and Vice President of the United States; whereupon it appeared that JAMES MADISON, of Virginia, had a majority of the votes of the Electors as President, and ELBRIDGE GERRY, of Massachusetts, had a majority of the votes of the Electors as Vice President; by all which it appears that JAMES MADISON, of Virginia, has been duly elected President, and ELBRIDGE GERRY, of Massachusetts, has been duly elected Vice President of the United States, agreeably to the constitution.

"In witness whereof, I have herewith set my hand and caused the seal of the Senate to be affixed, this — day of February, 1813."

And that the President of the Senate do cause the certificates aforesaid to be laid before the President of the United States, with this resolution.

MONDAY, February 22.

*Capture and Destruction of the Java.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States' frigate, the Constitution, reporting his capture and destruction of the British frigate, the Java. The circumstances and the issue of this combat, afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both, by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing, in such cases, both past and future, a fair proportion of the value which would accrue to the captors, on the safe arrival and sale of the prize.

JAMES MADISON.

FEBRUARY 22, 1813.

The Message and accompanying documents were read, and referred to the committee appointed the 9th of November, who have under consideration the naval affairs of the United States, to consider and report thereon.

TUESDAY, February 23.

*Naturalized Citizens Claiming Protection.*

Mr. LEIB presented the memorial of a number of inhabitants of the city and liberties of Philadelphia, stating that they are natives of the United Kingdom of Great Britain and Ireland, and citizens of the United States by adoption; and that, by a late proclamation, issued by the Prince Regent of said Kingdom, the penalty of death is denounced against such of the natural born subjects thereof as shall adhere or give aid to the United States, thereby subjecting them to the punishment for treason against said King-

*President's Inaugural Speech.*

dom whenever the United States shall call upon them to take part in the existing war, and praying such provision for their protection as the wisdom of Congress may dictate; and the memorial was read.

WEDNESDAY, March 8.

*Six o'clock in the evening.*

*Adjournment.*

The Senate proceeded to consider the resolution from the House of Representatives, for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and concurred therein; and Messrs. VARNUM and GAILLARD were appointed the committee on the part of the Senate.

Mr. VARNUM reported, from the committee, that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress. Whereupon, the President adjourned the Senate to meet on the fourth Monday in May next.

## INAUGURAL SPEECH.

*From the National Intelligencer of March 5, 1813.*

Yesterday being the day on which commenced the second term of Mr. Madison's re-election to the Presidency, he took the oath to support the Constitution of the United States, administered to him by Chief Justice Marshall, in the presence of many members of Congress, the Judges of the Supreme Court, the foreign Ministers, and a great concourse of ladies and gentlemen. The President was escorted to the Capitol by the cavalry of the District, and received, on his approach to it, by the several volunteer corps of this city, Georgetown, and Alexandria, drawn up in line for the purpose. Previous to taking the oath in the Chamber of the House of Representatives, the President delivered the following

## SPEECH:

About to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated; and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of Heaven on the

means of conducting it to a successful termination.

May we not cherish this sentiment, without presumption, when we reflect on the characters by which this war was distinguished?

It was not declared on the part of the United States, until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers on the element common to all, and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our Government; and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that, in carrying it on, no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity have been infringed. The war has been waged on our part with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating, without restraint, to the United States; incorporated, by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting, but compelling, them to fight its battles against their native country.

They have not, it is true, taken into their own

hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages, armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives: and, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate; and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a Government which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard, before the enemy was apprised of the reasonable terms on which it would be reasheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is, in number, more than half that of the British Isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British Cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew and still know, that without them it could not be carried on through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated, and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

## TWELFTH CONGRESS.—SECOND SESSION.

## PROCEEDINGS AND DEBATES

## THE HOUSE OF REPRESENTATIVES.

MONDAY, November 2, 1812.

This being the day appointed by law for the meeting of Congress, the following members of the House of Representatives appeared, and took their seats, to wit:

*From New Hampshire*—Samuel Dinwiddie, Obed Hall, and John A. Harper.

*From Massachusetts*—Abijah Bigelow, Elijah Brigham, Richard Cutts, Wm. Ely, Isaiah L. Green, Ebenezer Seaver, William M. Richardson, Charles Turner, jr., Laban Wheaton, Leonard White, Wm. Widgery.

*From Rhode Island*—Richard Jackson, jr.

*From Connecticut*—Epaphroditus Champion, John Davenport, jr., Lyman Law, and Jonathan O. Mosely.

*From Vermont*—Martin Chittenden, Wm. Strong.

*From New York*—Daniel Avery, Harmanus Bleeker, James Emott, Asa Fitch, Sam. L. Mitchell, Benjamin Pond, Thomas Sammons, Pierre Van Cortlandt, jr.

*From New Jersey*—Adam Boyd, Lewis Condict, Jacob Hufty, and Thomas Newbold.

*From Pennsylvania*—Wm. Anderson, David Bard, Robert Brown, William Crawford, William Findlay, Abner Lacock, Aaron Lyle, Jonathan Roberts, Wm. Rodman, Adam Seybert, John Smilie, Geo. Smith, and Robert Whitehill.

*From Maryland*—Stevenson Archer, Charles Goldsborough, Joseph Kent, Philip B. Key, Peter Little, Alexander McKim, Samuel Ringgold, Philip Stuart, and Robert Wright.

*From Virginia*—John Baker, Burwell Bassett, Matthew Clay, John Dawson, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jr., and John Roane.

*From North Carolina*—Willis Alston, jr., William Blackledge, Meshack Franklin, Nathaniel Macon, Archibald McBryde, and Joseph Pearson.

*From South Carolina*—William Butler, John C. Calhoun, Elias Earle, William Lowndes, Thos. Moore, and Richard Wynn.

*From Georgia*—William W. Bibb, Geo. M. Troup.

*From Kentucky*—Henry Clay, *Speaker*, Joseph Desha, and Stephen Ormsby.

*From Tennessee*—Felix Grundy, John Rhea, and John Sevier.

*From Ohio*—Jeremiah Morrow.

*From Indiana Territory*—Jona. Jennings, *Delegate*.

A quorum, consisting of a majority of the whole House, being present, it was ordered that the Clerk do acquaint the Senate therewith.

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On motion of Mr. DAWSON, a committee was appointed on the part of the House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them.

Mr. DAWSON and Mr. BLEEKER were appointed the committee on the part of the House.

TUESDAY, November 3.

Several other members, to wit: From Massachusetts, FRANCIS CABR; from Connecticut, TIMOTHY PITKIN, jr.; from Vermont, SAMUEL SHAW; from New York, ARUNAH METCALF, SILAS STOW, and UMI TRACY; from Pennsylvania, JOHN M. HYNEMAN; from Virginia, JOHN SMITH, and THOMAS WILSON; from North Carolina, RICHARD STANFORD; from S. Carolina, LANGDON CHEVES, and DAVID R. WILLIAMS; and, from Kentucky, RICHARD M. JOHNSON, appeared, and took their seats.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business. They have appointed a committee on their part, jointly with the committee on the part of this House, to inform the President of the United States that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. DAWSON, from the joint committee appointed to wait on the President of the United States, reported that the committee had performed the service assigned to them, and that the President answered that he would make a communication to the two Houses of Congress to-morrow at 12 o'clock.

And then the House adjourned.

WEDNESDAY, November 4.

Several other members, to wit: From Vermont, JAMES FISK; from North Carolina, Wm. R. KING and ISRAEL PICKENS; from Georgia, BOLLING HALL; and from Kentucky, ANTHONY NEW, appeared, and took their seats.

A Message was received from the PRESIDENT

OF THE UNITED STATES. [For which, see Senate proceedings of this date, *ante*, page 567.]

The Message having been read was referred, with the documents accompanying it, to the Committee of the whole House on the state of the Union.

THURSDAY, November 5.

*Constitution and the Guerriere.*

Mr. DAWSON rose and said:—Mr. Speaker, I take this early moment to present to you a resolution which I feel pleasure and pride in believing will meet the general approbation, not only of this House, but of the nation.

The President of the United States, in his Message, which was read on yesterday, has, in terms eloquent and appropriate, made mention of an engagement which has taken place between an American frigate and one of His Britannic Majesty's, which has rendered to the officers and crew of our frigate that justice which they so justly merited; an engagement in which American tars have proven to the world, that when commanded by officers of skill, valor, and fidelity, they are capable of contending with, and of vanquishing, those of any nation on the earth, upon any element—even on that element where British skill has so justly acquired so much celebrity, and that the American flag, when authorized by the constituted authorities of our country, will command respect on the high road of nations. Far, very far be it from me to boast—it ill becomes an individual or a nation, and is never the concomitant of true courage; but on the present occasion it seems to me proper that we should express our sentiments—our feelings, and thereby the feelings of the nation. I shall, therefore, without further comment, offer you the following resolution, observing that the facts stated have been ascertained at the proper department, and the proofs are on my table:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, requested to present, in the name of Congress, to Captain Isaac Hull, a gold medal, with suitable emblems and devices; and that the sum of—thousand dollars be, and the same is hereby, appropriated, to be distributed as prize money to the officers and crew of the United States' frigate the Constitution, of forty-four guns, according to the provisions of the act for the better government of the Navy of the United States; in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Hull, the officers, and crew, of the said frigate Constitution, in attacking, vanquishing, and capturing the British frigate the Guerriere, mounting fifty-four carriage guns, thereby exhibiting an example highly honorable to the American character, and instructive to our rising Navy.

Some conversation passed on the proper mode of disposing of this subject, in the course of which

Mr. SKYBRET suggested the propriety of also

giving some distinctive or medals to the crew of the Constitution, who he thought were too generally overlooked in such cases.

Mr. WRIGHT approved the spirit of the resolution, but hoped the other officers would receive swords, and the men suitable rewards; and confidently hoped a gold medal would be voted to the nearest relative of Lieutenant William Bush of the marines, a young gentleman from his district, who fell gallantly fighting in that action, covered with wounds and glory; he, therefore, for that purpose, moved that the resolution be referred to a select committee.

The resolution was eventually ordered to lie on the table till a committee should be appointed to whom it should be referred.

FRIDAY, November 6.

Several other members, to wit: from New Jersey, GEORGE C. MAXWELL; from Massachusetts, EZEKIEL BACON; from Connecticut, LEWIS B. STURGES; and from Pennsylvania, JAMES MILNOR, appeared, and took their seats.

GEORGE POINDEXTER, the Delegate from the Mississippi Territory, also appeared, and took his seat.

MONDAY, November 9.

Several other members, to wit: from Massachusetts, SAMUEL TAGGART; from Connecticut, BENJAMIN TALLMADGE; from New York, EBENEZER SAGE, and THOMAS R. GOLD; from Pennsylvania, ROGER DAVIS; from Delaware, HENRY M. RIDGELY; and from Virginia, JOHN TALLAFERRO, appeared, and took their seats.

*Encouragement to Privateers.*

Mr. MITCHELL presented a petition of sundry owners and agents of privateers in the city of New York, praying for a reduction of the duties on prizes and prize goods; that prize property, on condemnation, may be delivered to them to be disposed of and distributed; that the time necessary to procure condemnations may be shortened; that the fees of the officers of prize courts may be limited to a certain sum, and that prize owners and their agents be authorized to order prizes arrived in one port to any other port, at their discretion, at any time before the actual libelling of such prizes.

*Exemption of Soldiers from Arrest for Debt.*

Mr. BACON stated that, under the present law, exempting from arrest of privates in the Army of the United States in certain cases of debt, frauds had been, and more extensively might be, committed; inasmuch as a soldier who was tired of the service, by giving his bond for a feigned debt for an amount greater than twenty dollars, could procure himself to be arrested and kept out of service, &c. Mr. B. further illustrated the evasions to which the present law is liable, and concluded by moving the following resolution:

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*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for exempting altogether from liability to arrest, or being taken in execution for debt, of any non-commissioned officer, musician, or private, belonging to the Army of the United States, or to any volunteer corps, when called into service pursuant to law.

The resolution was agreed to.

TUESDAY, November 10.

Another member, to wit, from Virginia, JAMES BROCKENRIDGE, appeared, and took his seat.

*Mounted Troops.*

MR. RICHARD M. JOHNSON observed that he had draughted a resolution for the consideration of the House, the object of which was to authorize an expedition of mounted volunteers against the several Indian tribes hostile to the United States. He said the people of the United States had the power and the will to break up and to extirpate those hostile savages, to desolate their country, or compel them to surrender at discretion, as the Miamies had done lately when they beheld the strong arm of the Government uplifted and ready to fall upon them heavily. And it was the imperious duty of Congress so to organize this power, and so to direct this will, as to make it effectual and most destructive to the enemy in the line of its operation. Mr. J. said a winter campaign of mounted men well selected, well organized, and well conducted for sixty days, would close an Indian war, which was restrained on their part by no ties of religion, by no rules of morality, by no suggestions of mercy, by no principles of humanity. Sir, said he, you well know that we cannot so guard any part of our extended line of frontier as to prevent entirely the incursions of savages, so long as they have a place of safety or hiding place upon our borders; by reason of which a few desperate savages, well armed with their rifles, tomahawks, and scalping knives, and paid for the scalps of our citizens, may travel in the night, watch their place of assassination undiscovered, and fall upon our infant settlements thus exposed and massacre them without distinction of age or sex, and not leave even an infant to lisp the sad tale of sorrow to the passing stranger. Such has been the fact in many places on our frontier since the battle of Tippecanoe; and such was the melancholy fact near the Ohio river, in Indiana, when upwards of twenty persons were horribly murdered in cold blood, without the opportunity of resistance; the most of these unfortunate victims were women and children, whose heads were roasted by the fire, and in this cruel mode tortured to death, and under circumstances which would blacken and dye with deeper disgrace the most infamous and abandoned set of beings on earth. Since the defeat of Braddock, Mr. J. observed, the conflict with the Indians had always been an unequal one, and the United States had never carried on

such a campaign against them as would bring them to their reason. He observed, that a winter campaign of mounted men would place us on an equality in our contest with the Indians; and he pledged himself for the efficacy of such an expedition, if sanctioned and authorized by Congress, and left to the Executive of Kentucky, so far as the forces were taken from that State. On such a campaign they must meet us in battle, or surrender at discretion; they could not avoid our search nor evade our pursuit—the season would furnish certain means of discovery; their strongholds would be broken up; their squaws and children would fall into our hands, and remain sure pledges against savage ferocity and barbarity. Nothing do they so much fear as to have their squaws taken prisoners. Their winter quarters would be discovered and their stock of winter provisions would be destroyed; and once since the Revolution the friend of his country would enjoy the satisfaction of seeing our savage enemies humbled in the dust and solely at our mercy, notwithstanding all the arts of British intrigue to the contrary. On the contrary, we want no additional evidence, no train of reasoning, nor a particular detail of facts, to convince us that any other kind of force, and at any other period, will only give us a partial remedy. Upon any other principle we give the savage foe every advantage. When threatened and pursued by a force sufficient to chastise them, no warriors can be found—they scatter through the woods like the wild beasts of the forest. Send a small party, and they are immediately surrounded and cut off by superior numbers. In fact, sir, they will not meet at their own doors and firesides equal numbers in honorable combat—they must always have some great and decided advantage. In the several attacks made upon Fort Wayne, Fort Harrison, and Bellevue—at which places our officers and soldiers acted with a firmness and gallantry deserving the highest praises of their country—the Indians retreated at the approach of assistance, and could not be found. We witnessed the same scene when our army penetrated their country from Fort Wayne, who burnt their towns and destroyed their crops. In short, sir, late in the spring, in the summer, and in the fall, every thicket, every swamp—nay, every brush-heap surrounded with weeds furnishes a hiding place; and it is in vain to search after Indians at such a time, if they are not disposed to be seen. Mr. J. said, with this imperfect picture before us, which, however, contained undeniable facts, Congress could not reconcile it to its duty not to take such steps as would speedily terminate the war with the savages. Such steps had been taken as to produce much temporary distress among the Pottawatomies and other tribes, and the destruction of their villages and crops would employ many of their warriors in procuring subsistence for their squaws and children, which consequently gave a correspondent relief to our frontier settlements; that a winter campaign well conducted

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was indispensable to complete the work which was begun with so much zeal, but which could not produce all the benefit that might be expected from a regular authorized expedition; for it would be recollected that the mounted men had gone out suddenly upon the spur of the occasion, without compensation, with a view to relieve the frontiers from the disasters of Hull's humiliating surrender; and in such voluntary associations many men would consider themselves under less obligations than if employed by the Government, although the party with whom he had the honor to act served beyond the time for which they enrolled themselves, and never quitted the service until honorably discharged. Mr. J. observed, if the savages are unmindful of the many acts of benevolence, of justice and friendship exercised towards them by the United States; if British influence, or British gold, or any other consideration, could induce them to continue the savage practice of imbruing their hands alike in the blood of the warrior in the field, and the infant in its mother's arms; if they will be bound by no obligation however sacred; by no treaty, however solemnly made; by no dictate of nature, no matter how self-evident; the United States are absolved from all acts of further forbearance; and we are called upon by every feeling of duty and honor to disarm them of their fury and put them beyond the power of injury. Mr. J. said he had not intended to trouble the House with so many preliminary remarks, but he had seen in his place the Chairman of the committee to whom the resolution was to be referred, and he was anxious that the design and object of the motion should be known, that the committee might act with despatch if it met with their views:

*Resolved*, That the select committee to whom was referred so much of the President's Message as relates to military affairs, be instructed to inquire into the expediency of authorizing an expedition of mounted volunteers against the Indian tribes hostile to the United States.

The resolution was agreed to *nem. con.*, without debate.

THURSDAY, November 12.

Another member, to wit, from Kentucky, SAMUEL MCKEE, appeared and took his seat.

FRIDAY, November 13.

Several other members, to wit: from New York, THOMAS B. COOKE; from New Jersey, JAMES MORGAN; from Virginia, JOHN RANDOLPH; and from North Carolina, LEMUEL SAWYER, appeared, and took their seats.

MONDAY, November 16.

Several other members, to wit: from Massachusetts, WILLIAM REED; from Rhode Island, ELISHA R. POTTER; from Virginia, DANIEL

SHEFFEY; from North Carolina, JAMES COCHRAN; from South Carolina, RICHARD WYTH, appeared, and took their seats.

TUESDAY, November 17.

*Encouragement to Privateers.*

Mr. BASSETT, from the committee appointed on that part of the President's Message which relates to the Naval Establishment, reported, in part, a bill in addition to the act concerning letters of marque, prizes, and prize goods; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill is as follows:

A Bill in addition to the act concerning letters of marque, prizes, and prize goods.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all prize property, upon sentence of condemnation, shall, at the request of the owners of the private armed vessel by which the capture shall have been made, or of their agents, be, by the marshal of the district in whose custody the same may be, delivered over to the said owners or their agents, to be by them sold or disposed of at their discretion, and the proceeds thereof distributed by them agreeably to the provisions of law: *Provided*, That all fees, costs, and charges, arising on the process of condemnation, be first paid, and that the duties accruing on such prize goods, as also two per cent. on the estimated value of such prize property, after deducting all duties, costs, and charges, (which value, as it respects the cargo, shall be ascertained in the same manner as is provided by law for ascertaining the value of goods subject to ad valorem duties; and as it respects the vessel, to be ascertained by appraisers to be appointed in the same manner,) shall be first paid, or secured to be paid, to the collector of the district into which such prize property may be brought for condemnation; which two per cent. shall be in lieu of the two per cent. on the net amount of the prize money reserved by the seventh section of the act to which this act is in addition, and shall be pledged and appropriated to the same fund as is thereby provided for.

SEC. 2. *And be it further enacted*, That all bonds taken for the security of the two per cent. fund before provided for shall be made payable within sixty days from the time of taking such bonds.

SEC. 3. *And be it further enacted*, That the owners of any private armed vessel or vessels, or their agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which it may be first brought, to any other port in the United States, subject to the same restrictions, and complying with the same regulations, with respect to the payment of duties, which are provided by law in relation to other vessels arriving in port with cargoes subject to duty: *Provided*, That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the United States.

SEC. 4. *And be it further enacted*, That wherever the proceeds of any prize property has been, or shall be, deposited with the clerk of any district court, pursuant to the orders of said court, upon condemnation, the same shall, at the request of the owners of the



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private armed vessel by which the capture shall have been made, or of their agents, be paid over to them, to be by them distributed agreeably to the provisions of law.

WEDNESDAY, November 18.

Another member, to wit, JOSIAH QUINCY, from Massachusetts, appeared, and took his seat.

THURSDAY, November 19.

*Privateer Prize Law.*

The House resolved itself into a Committee of the Whole on the bill in addition to the act concerning prizes and prize goods.

Mr. BASSETT, as chairman of the committee who reported the bill, explained its provisions, and enforced the necessity of its adoption. He took occasion to advert to the numerous captures made by our private armed vessels, and their utility as a system of annoyance to the enemy. In every case in which they had come in conflict, they had acquitted themselves in a manner that redounded to their credit.

After some further conversation on the details of the bill, the following section was, on motion of Mr. BACON, substituted for the fourth section of the bill:

"SEC. 4. *And be it further enacted*, That in cases of sale of prize property by the marshal of any district, or wherever the proceeds thereof has been or shall be deposited with the clerk of any district court, pursuant to the orders of said court upon condemnation, the same shall, by the said marshal or clerk respectively, at the request of the owners of the private armed vessel by which the capture shall have been made, or of their agents, be paid over to them, to be by them distributed agreeably to the provisions of law: *Provided*, That all fees, costs, and charges, arising on condemnation, be first paid, and all duties accruing on such prize property, as also the two per cent fund accruing on such proceeds, be first paid, or secured to be paid, to the collector of the district into which such prize may be brought for condemnation, and that the marshal and clerk shall be allowed for their services respectively, in selling, receiving, and paying over as aforesaid, a commission of one per cent. and no more, on the net proceeds of such prize property, after deducting the duties, the two per cent. and charges aforesaid: *Provided, also*, That such commission shall not exceed, upon any property included in one condemnation, the sum of one thousand dollars."

The bill as thus amended was then ordered to be engrossed for a third reading.

*Retaliation.*

The engrossed bill "vesting the power of retaliation in the President of the United States in certain cases," was read a third time.

A debate of more than an hour took place on the question of its passage, which was finally determined *in the negative*, by yeas and nays—51 to 61.

FRIDAY, November 20.

*Pay of the Army.*

The House went into Committee of the Whole on the bill concerning the pay of the Army of the United States, which was read.

Mr. WILLIAMS, as chairman of the committee who reported it, rose to explain the provisions of the bill. He said he hoped the consideration of the bill would not involve a discussion of the justice or necessity of the war. War, said he, is now declared; we have thrown ourselves between our country and the enemy; and it becomes us to carry her triumphantly through the war, or be responsible for the disgrace a contrary course would incur. The reason of the introduction of the first provision of the bill, he said, was the palpable fact, that the present pay of the Army, taking into consideration the price of labor throughout the Union, was much below the average rate. The committee, in the investigations of this business, had, with much labor, consulted all sources of information accessible to them, and in no part of the United States did it appear to be conceded by their Representatives, that the fair price of labor was less than nine dollars per month. Even if the price was as low as eight, or say seven dollars, wherefore should the soldier receive less than any other man? This is a subject on which every gentleman could decide by recurring to his own neighborhood, and inquiring, what was there the price of labor. If he could not procure the service of an individual there for less than eight dollars, how can he refuse the soldier that price which I now solicit for him? The ranks are not filled; we know it by too melancholy a proof; and it is our duty to fill them. How shall we best do it? It will not be contended that your population is insufficient; no, sir; the inducement is not adequate. There is no avocation of life, no employment, however hazardous, which fails to be pursued from a want of persons ready to engage in it. No, sir; if you want men to scale the mountains of ice under the Northern pole, or endure the fervid rays of a vertical sun in the hither India, to brave the stormy ocean, or search for mines in the bowels of the earth; only find them adequate compensation, and there are men enough to be found. The compensation for services performed, ought always to be in proportion to the risk incurred. This is a position which cannot be controverted. There is no reason why the ranks of your Army are not filled so forcible, as that you do not give enough to the privates.

Mr. W. then briefly adverted to other provisions of the bill. To the second section he apprehended little objection; it had been found to be necessary, and ample precedent might be found for it. To the third section there might and probably would be some objection. It was founded, he said, on the principle that every man owed to the country which protected him, military service; the same principle, already engrafted in our laws, which obliged the youth

of 18 years old to enter into the militia, warranted his retention in the service when he had voluntarily enlisted. The fourth section spoke for itself and needed no explanation.

The second section having been read—

Mr. WHEATON said he conceived this section to involve an infraction of the constitution. Any person who had contracted a debt had certainly given a pledge, not only of his property, but of his body to his creditor. It is the creditor's right to take his body in default of payment, and the creditor was by this section, in the case of those enlisting in the army, completely taken out of his hands. Ample encouragement, Mr. W. said, might be given to enlistments without infringing the constitution. He had no objection to privilege the soldier from arrest after enlistment, but he could not consent to the passage of a law, having an *ex post facto* operation, which went to exempt him from obligations previously contracted. He therefore moved to strike out the words "before or" from the second section above recited.

Mr. BACON spoke in support of this provision. It was necessary to guard against fraud. He said, in the village in which he lived, such frauds had been committed, by the creation of fictitious debts, under which a person enlisting had procured himself to be arrested. After this arrest, on giving bail, he was set at large. Whilst going at liberty, his commander had attempted to take him; but a writ of *habeas corpus* having been taken out, it had been determined by the courts that a man was the property of his bail until the suit was determined. And that determination, Mr. B. said, would never take place so long as the United States had an occasion for the man's services; because, by the same collusion which commenced it, the suit may be continued from term to term of court, until the term of enlistment has expired. He had merely stated facts. He had known an instance of an officer being obliged to move his whole corps over the line to avoid these petty depredations on their ranks; and he would venture to say that the officers would much rather face the enemy in the field, than the host of legal depredators in Massachusetts, on those enlisted for the public service. The principle of this provision was not novel, he said, for it existed already.

The motion to strike out the section was then negatived by a large majority.

The third section was then read.

Mr. STOW rose and said, that the respect he felt for the House, seemed to forbid that he should propose to them any thing not fully matured: but, that at the same time the objections to one section of the bill under consideration, appeared to him so many and so important, that he could not refrain from urging them, though as he feared in somewhat of an irregular and desultory way. In excuse he said, he had supposed the present bill agreeable to the one reported in the Senate, and had not observed the difference till that moment. His objections

were to the 8d section, and which he should close by moving that it be stricken out. He arranged his objections principally under three heads: 1st. Its tendency to violate the public morals. 2d. Interference with public economy—and 3d, its violation of the spirit of the Constitution of the United States.

He remarked, that proper instruction and discipline of youth lay at the bottom of all that was valuable in this life, and perhaps of the life to come. That it was of great importance in every Government, but above all that it was infinitely so in ours, where the people were real sovereigns, and where the Government would be ill or well administered, according as the youths were bred in temperance, virtue, and obedience. This section of the bill goes to cut up those qualities by the roots. It says to the uneasy boy in his teens, you may enlist and throw off all parental authority; you may enlist and defraud the parent or master, who has maintained you in your helpless state, of his just reward. The strongest ties of affection and gratitude, you may, by enlisting, dissolve in a moment. Nay, more, we say deliberately and solemnly—we will pay this promoted villain \$300 for his iniquity! For such is the amount of the bounty and wages for three years. Who, sir, will be most likely to avail himself of this privilege or rather of this course? Not the sober, faithful minor, who might be trusted in a camp with some degree of safety, but the fickle, turbulent restless youth, the one of all others who wants the salutary restraint of a parent or guardian. This is the person whom you are about to allow to plunge himself into all the dissipations, into all the seductions, and into all the vices of a camp!

But, sir, said he, it is inhuman, as well as immoral. Humanity calls upon you to take care of and educate the miserable offspring of the poor. Who will take them; who will provide for their infancy, if at the moment they are able to make any remuneration for this humane, this tender care, you offer them \$300 to turn ingrate? But, sir, not only the public morals, but the public economy require that you should not enlist minors without the consent of their parents, guardians, or masters. What does public economy require, but that every one should serve the Republic in that capacity in which he can be most useful? And, sir, let me add that patriotism requires the same thing. If the blacksmith or the farmer is most useful in his calling, there is as much patriotism in attending to the anvil and the farm, as to the bayonet and the sword. Men of mature age, by accepting the terms you offer, or not, determine where they can be most useful; but does not every principle of economy forbid that you should go into the private family, the workshops, and the manufactory, regardless of the opinion of the father and superintendent, and seduce the young man from learning some useful and honorable employment, and in lieu thereof, at that tender, at that doubtful period of human life,

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you plunge him into all the immoralities of a camp, and turn him a vagabond on society. No, sir, true economy requires that children should be well educated, well governed, and faithfully bred to some honest calling. The very principle, notwithstanding all the talk of patriotism, is recognized in the price you offer for soldiers, as well by the former law, as by the present bill. You offered by the former law, five dollars per month, by the present bill eight dollars. That is, you say to the world, that by being a soldier, you render to your country services worth five or eight dollars. Now, sir, for five or eight dollars per month is it prudent, is it economical, to dissolve the all-important relation of governor and governed in respect to youth? To break up your infant manufactories, and to deprive poor children at once of a useful employment, and a home? But, sir, perhaps it will be said that necessity, the safety of the Republic, requires this. When the legions of Britain were upon our shores, when we were struggling for our very existence, the necessity was not then thought sufficiently imperious to warrant such a principle. Can it then be said, that with treble the population, and in an offensive war, necessity requires the dangerous innovation? Certainly not. Again, the law, then and now, allows the soldier to be arrested for a debt amounting to two dollars; and will you say, that the debt in which there can be no deception incurred, for the most necessary of all things, food, clothing, and instruction for infancy, shall be disregarded? I trust, sir, that a principle so unreasonable will never prevail. But, lastly, said Mr. S., I do contend that the clause is contrary to the spirit, if not the letter, of the constitution. That constitution provides that private property shall not be taken without reasonable compensation. The property which a parent has in the services of his son, of a guardian in the services of his ward, and a master in the services of his servant, though differing widely in degree, is as real and oftentimes more important than the farmer has in his personal estates, or the planter in his slave. It also impairs the force of contract, which is strictly interdicted to the States, and *a fortiori* not to be done to the General Government. For these and for many other reasons which might be added, Mr. S. moved to strike out the third section of the bill.

Mr. MILNOR said that if he understood the third section of the bill under consideration, it allows recruiting officers to enlist minors above the age of eighteen years, without regard to their situation as apprentices to tradesmen, or living under the care and guardianship of their parents; and its object was to hold out to young minds a temptation to desert the useful course destined for them by their friends, for the purpose of becoming soldiers. Now, said Mr. M., whatever may be the necessity of war, on some occasions, and however necessary some might think that in which we are now engaged,

which was a question he should not now meddle with, he was desirous that its operations should be so conducted, as to do as little injury as possible to our fellow-citizens; and, as the leading principle in the conduct of all politicians should be a regard to the public good, he hoped for a general concurrence in this sentiment; that, for his own part, he wished the war to be felt as little as possible in the families and occupations of the people. We are not, said he, to be organized into a military Government. However necessary some may deem this war, all will desire a short one. Thank God, no Napoleon has yet risen up amongst us to change our free institutions into a military despotism. Encourage, if you please, a military spirit, that we may be ready for the national defence, when necessary; but let it be done in the spirit of the constitution, by means of a well-regulated militia; let your citizens and your farmers surrender their apprentices and children to be trained and instructed in military tactics, at stated times, that, when arrived at the state of manhood, they may be ready for their country's service. But what is here proposed? To go into the workshop of the industrious mechanic, or into a parent's dwelling, and entice away by the lure of money and military glory, the apprentice and the child. No matter what moneys may have been expended in his education, or how great has been parental exertion to advance the future prospects of the child, any recruiting officer, or even a common soldier, profligate in his principles, and inured to vicious habits, is by this bill encouraged to seduce him from his duty.

Mr. TROUP said the objections to this provision were lame in their nature; he only wished they were half as sound as they were novel. It was the result of the experience of men older than themselves in military concerns, that this very description of population, between eighteen and twenty-one, constituted the strength and vigor of every war. What was the fact as respected France? So just was this principle in the contemplation of France, that her whole army is made up of these young men; and yet an attempt is made to deter us from using them by a flimsy pretext, that to employ them would be violating the obligations of a contract and the principles of morality. If our feelings and sympathies be suffered to influence us in favor of the individual who voluntarily enlists, the reasons are much stronger in favor of discharging one-half of those already in your ranks, than the description just spoken of. There is scarcely any man over the age of twenty-one years, between whom and other individuals there is not some strong obligatory moral tie, which we ought not to sever if we could conveniently avoid it. Look at the case of a husband deserting his wife and children, or of a man, above twenty-one, deserting his aged parent, dependent on him for subsistence. Are not these cases equally strong? The doctrine of the gentle-

men, whether on the score of morality or expediency, will apply to cases above as well as below the age of twenty-one.

Mr. GOLD premised, that he did not rise to enter into the general policy of the war; nor could he deny it to be the duty of those who have declared the war, to provide an army to carry it on. But he added, it is better for the army to be augmented by very liberal bounties and wages, than that important principles should be violated and an inroad made upon the great relations and interests of society. Are gentlemen aware how extensive is the province of master and apprentice? How wide-spread the relation in the community? A sensation will be produced which gentlemen seem not to have anticipated. The respective States have, with studious care, legislated upon and regulated the various duties and obligations of masters and apprentices. Under those laws, a clear obligation is created upon the apprentice to serve till of age; and in some States, to compensate for absence or desertion during the stipulated apprenticeship; for a faithful performance, the parent or guardian becomes responsible; and for non-performance, liable for damages to the master. Can the authors of this bill imagine that those solemn obligations contained in indentures of apprenticeship, will dissolve and vanish under the charm of the bill? Can the fundamental principles of the constitution, rendering contracts sacred, be thus uprooted and destroyed? Can this bill deprive the master of his action, secured to him by the laws of the State, against the master or guardian for absence or desertion of the apprentice? Here is a most serious bearing upon the laws of the States, regulating this important relation. But gentlemen allege *necessity*; the army must be filled up; officers are imposed on by fraudulent minors, who receive the bounty, and then claim a release upon the plea of non-age. In answer, let gentlemen beware how they yield to this fancied plea of necessity. All history attests the danger of yielding essential principles to State necessities; to temporary pressure and impulses; such precedents become infinitely mischievous in society. No fancied benefit can compensate for the evil of such examples. How easy is it to remove much of the complaints by providing that the minor, who shall impose upon the recruiting officer, shall refund the bounty he received before he shall receive his discharge. Such a provision would be just, and not violate general principles.

Mr. LITTLE.—In removing one evil, Mr. Chairman, let us beware that we do not substitute a greater. The object of the section proposed to be stricken out of the bill on your table, and now under consideration, is to fill up the ranks of your army. From every attention I have been able to bestow on this subject, which, permit me to say, I am anxiously desirous, as much so, I trust, as any gentleman in this committee, to see realized, will, if returned in its present shape, in my humble opinion, be productive of much

evil, and perhaps of little good. You receive into the army, by voluntary enlistment, that description of our fellow-citizens, at a time of life to them the most interesting and auspicious as respects their future pursuits and welfare. I have always been given to understand that the camp is but illy calculated in those stations which they only can fill in the army, either to improve their understandings or perfect them in such habits as are calculated to acquire a respectable subsistence, or fit them for the domestic duties of their future lives. In the course of nature, they, it may be truly said, constitute the future strength and glory of every country. The laws of this land render every act of theirs illegitimate. Abstract from the consideration of a soldier, for which they are only rendered fit from their corporeal powers, everything with them is premature; if forced into existence, like the flower or fruit unseasonably raised in a hot-bed, wears the external qualities, but, in fragrance and taste, is unnatural and insipid.

Sir, have we not some reason to doubt the constitutionality of this section. In its operation, it evidently will vitiate contracts, which ought always to be held sacred, solemnly and voluntarily entered into by the parent or guardian with the matter of an apprentice, reciprocally beneficial, founded on the most laudable and praiseworthy principles, on the faithful performance of which materially depends the future welfare of the youth, to which I believe may reasonably be added the comforts and good order of society. Do we not know, Mr. Chairman, that, at that period of their lives and servitude, in which you make them liable, if this section is retained, to be drawn from the service of their masters, that then, and only then, are they enabled and become qualified to make some remuneration for the pains and attention paid to their improvement and instruction by the worthy and industrious mechanic or manufacturer; and will you, by this unpropitious act, endanger the future happiness of the former, and withhold that just reward due to the industry of the latter? You annihilate this contract, which ought to be held, if possible, inviolate by the Government. Every principle of justice and sound policy dictates its rigid fulfilment. Are we not aware, sir, of the immense sums now invested and actively employed in the different manufactories distributed over our extensive country? Do we not know that the manual labor of them is conducted principally by such who now are, or will in time, come within the provision of this section of your bill? Have this Government, and the people of this country, no interest in the prosperity of these manufactories? I have been always taught, and for one do religiously believe, on their materials virtually depends the completion of our independence as a nation. Let me entreat you to reflect before you hazard this dangerous experiment, lest, in the adoption of this hitherto novel principle, and in its operation, you may en-

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danger the safety, or, at least, the prosperity of our Republic, by giving its manufactories a vital stab.

Sundry other amendments were proposed in the committee, after the bill was reported to the House, and negatived. The bill was then ordered to be engrossed for a third reading.

SATURDAY, November 21.

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An engrossed bill "concerning the pay of the non-commissioned officers, musicians, privates, and others of the Army, and for other purposes," was read the third time.

Mr. QUINCY.—Mr. Speaker, I am sensible that I owe an apology for addressing you at so early a period of the session, and so soon after taking my seat, if not to the House at least to my particular constituents. It is well known to them, at least to very many of them, for I have taken no pains to conceal the intention, that I came to this session of Congress with a settled determination to take no part in the deliberation of the House. I had adopted this resolution, not so much from a sense of self-respect, as of public duty. Seven years' experience in the business of this House, has convinced me that from this side of the House all argument is hopeless; that whatever a majority has determined to do, it will do in spite of any moral suggestion, or any illustration made in this quarter. Whether it be from the nature of man, or whether it be from the particular provisions of our constitution, I know not, but the experience of my political life has perfectly convinced me of this fact, that the will of the Cabinet is the law of the land. Under these impressions, I have felt it my duty not to deceive my constituents; and had, therefore, resolved by no act or expression of mine, in any way, to countenance the belief, that any representation I could make on this floor could be useful to them, or that I could serve them any farther than by a silent vote. Even now, sir, it is not my intention to enter into this discussion. I shall present you my thoughts rather by way of protest than of argument. And I shall not trouble myself afterwards with any cavils that may be made; neither by whom, nor in what manner.

I should not have deviated from the resolution of which I have spoken, were it not for what appears to me the atrocity of the principle, and the magnitude of the mischief contained in the provisions of this bill. When I speak of the principle as atrocious, I beg distinctly to be understood as not impeaching the motives of any gentlemen, or representing them as advocating an atrocious principle. I speak only of the manner in which the object presents itself to my moral view.

It is the principle contained in the third section of the bill of which I speak. That section provides, that "every person above the age of eighteen years, who shall be enlisted by any officer, shall be held in the service of the United

States during the period of such enlistment; any thing in any act to the contrary notwithstanding." The nature of this provision is apparent, its tendency is not denied. It is to seduce minors of all descriptions, be they wards, apprentices, or children, from the service of their guardians, masters, and parents. On this principle, I rest my objection to the bill. I meddle not with the nature of the war. Nor is it because I am hostile to this war, both in its principle and its conduct, that I at present make any objection to the provisions of the bill. I say nothing against its waste of public money. If eight dollars a month for the private be not enough, take sixteen dollars. If that be not enough take twenty. Economy is not my difficulty. Nor do I think much of that objection of which my honorable friend from Pennsylvania (Mr. MILNOR) seemed to think a great deal; the liberation of debtors from their obligations. So far as relates to the present argument, without any objection from me, you may take what temptations you please, and apply them to the ordinary haunts for enlistment—clear the jails—exhaust the brothel—make a desert of the tippling shop—lay what snares you please for overgrown vice, for lunacy, which is of full age, and idiocy out of its time.

But here stop. Touch not private right—regard the sacred ties of guardian and master—corrupt not our youth—listen to the necessities of our mechanics and manufacturers—have compassion for the tears of parents.

In order to give a clear view of my subject, I shall consider it under three aspects—its absurdity—its inequality—its immorality.

In remarking on the absurdity of this principle it is necessary to recur to that part of the Message of the President of the United States at the opening of the present session of Congress, which introduced the objects proposed in this bill to the consideration of the House; and to observe the strange and left-handed conclusions it contains. The paragraph to which I allude is the following:

"With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the Military Establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign, by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier, the proportion between his recompense and the term of enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration."

Mr. Speaker—What a picture of felicity has the President of the United States here drawn in describing the situation of the yeomanry of this country! Their condition happy—subsistence

easy—wages high—full employ. To such favored beings what would be the suggestions of love, truly parental? Surely that so much happiness should not be put at hazard. That innocence should not be tempted to scenes of guilt. That the prospering ploughshare should not be exchanged for the sword. Such would be the lessons of parental love. And such will always be the lessons which the President of the United States will teach in such a state of things, whenever a father of his country is at the head of the nation. Alas! Mr. Speaker, how different is this Message! The burden of the thought is, how to decoy the happy yeomen from home, from peace, and prosperity, to scenes of blood—how to bait the man-trap; what inducements shall be held forth to avarice, which neither virtue nor habit, nor wise influences, can resist. But this is not the whole. Our children are to be seduced from their parents. Apprentices are invited to abandon their masters. A legislative sanction is offered to perfidy and treachery. Bounty and wages to filial disobedience. Such are the moral means by which a war, not of defence or of necessity, but of pride and ambition, should be prosecuted. Fit means to such an end.

The absurdity of this bill consists in this: in supposing these provisions to be the remedy for the evil, of which the President complains. The difficulty is, that men cannot be enlisted. The remedy proposed is, more money—and legislative liberty to corrupt our youth. And how is this proved to be a remedy? Why it has been told us, on the other side of the House, that this is the thing they do in France. That the age between eighteen and twenty-one is the best age to make soldiers. That it is the most favorite age, in Bonaparte's conscription. Well, sir, what then? Are we in France? Is Napoleon our king? Or is he the President of the United States? The style in which this example has been urged on the House, recalls to my recollection very strongly a caricature print which was much circulated in the early period of our Revolutionary war. The picture represented America as a hale youth, about eighteen or twenty-one, with a huge purse in his pocket. Lord North, with a pistol at his breast, was saying "deliver your money." George the Third, pointing at the young man, and, speaking to Lord North, said, "I give you that man's money for my use." Behind the whole group was a Frenchman capering, rubbing his hands for joy, and exclaiming, "Be Gar! just so in France!" Now, Mr. Speaker, I have no manner of doubt, that the day that this act passes, and the whole class of our Northern youth is made subject to the bribes of your recruiting officers, that there will be thousands of Frenchmen in these United States, rubbing their hands for joy, and exclaiming, "Be Gar! just so in France." Sir, the great mistake of this whole project lies in this: that French maxims are applied to American States. Now it ought never to be lost sight of by the legislators of this country, that the people

of it are not and never can be Frenchmen—and, on the contrary, that they are, and can never be any thing else than freemen.

The true source of the absurdity of this bill, is a mistake in the nature of the evil. The President of the United States tells us that the Administration have not sufficient men for their armies. The reason is, he adds, the want of pecuniary motive. In this lies the error. It is not pecuniary motive that is wanting to fill your armies. It is moral motive in which you are deficient. Sir, whatever difference of opinion may exist among the happy and wise yeomanry of New England, in relation to the principle and necessity of this war, there is very little, or at least much less diversity of sentiment, concerning the invasion of Canada, as a means of prosecuting it. They do not want Canada as an object of ambition; they do not want it as an object of plunder. They see no imaginable connection between the conquest of that province and the attainment of those commercial rights which were the pretended objects of the war. On the contrary, they see, and very plainly too, that if our Cabinet be gratified in the object of its ambition, and Canada become a conquered province, that an apology is immediately given for extending and maintaining in that country a large military force; under pretence of preserving the conquered territories—really, with a view to overawe adjoining States. With this view of that project the yeomanry of New England want that moral motive which will alone, in that country, fill your armies with men worthy enlisting. They have no desire to be the tools of the ambition of any man, or any set of men. Schemes and conquest have no charms for them.

Abandon your projects of invasion; throw your shield over the seaboard and the frontier; awe into silence the Indians in your territory; fortify your cities; take the shackles from your commerce; give us ships and seamen; and show the people of that country a wise object of warfare; and there will be no want of men, money, or spirit.

I proceed to my second objection, which was to the inequality of the operation of the provisions of this bill. It is never to be forgotten, in the conduct of the Government of these United States, that it is a political association of independent sovereignties, greatly differing in respect of wealth, resource, enterprise, extent of territory, and preparation of arms. It ought, also, never to be forgotten, that the proportion of physical force which nature has given does not lie within precisely the same line of division with the proportion of political influence which the constitution has provided. Now, sir, wise men, conducting a political association thus constructed, ought always to have mainly in view, not to disgust any of the great sections of the country, either in regard to their interests, their habits, or their prejudices. Particularly ought they to be cautious not to burden any of the great sections in a way peculiarly odious to them,

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and in which the residue of the States cannot be partakers, or at least only in a very small degree. I think this principle of political action is incontrovertible. Now, sir, of all the distinctions which exist in these United States, that which results from the character of the labor in different parts of the country, is the most obvious and critical. In the Southern States, all the laborious industry of the country is conducted by slaves; in the Northern States it is conducted by the yeomanry, their apprentices, or children. The truth is, that the only real property, in the labor of others, which exists in the Northern States, is that which is possessed in that of minors—the very class of which, at its most valuable period, this law proposes to divest them. The planter of the South can look round upon his fifty, his hundred, and his thousand of human beings, and say, These are my property. The farmer of the North has only one or two *ewe lambs*—his children—of which he can say, and say with pride, like the Roman matron, “These are my ornaments.” Yet these, this bill proposes to take from him, or (what is the same thing) proposes to corrupt them—to bribe them out of his service; and that, too, at the very age when the desire of freedom is the most active, and the splendor of false glory the most enticing. Yet, your slaves are safe; there is no project for their manumission in the bill. The husbandman of the North, the mechanic, the manufacturer, shall have the property he holds in the minors subject to him put to hazard. Your property in the labor of others is safe. Where is the justice—where the equality—of such a provision?

It is very well known in our country—indeed it is obvious, from the very nature of the thing—that the exact period of life at which the temptation of this law begins to operate upon the minor, is the moment when his services begin to be the most useful to the parent or master. Until the age of 18, the boy has hardly paid to the parent or master the cost of his clothing and education. Between the age of 18 and 20, is just the period of profit to the father and master. It is also the period at which, from the approximation towards manhood, service begins to grow irksome, and the desire of liberty powerful. The passions are then, also, in their most ungoverned sway; and the judgment, not yet ripe, can easily be infatuated and corrupted by the vain dreams of military glory. At this period, your law appears with its instruments of seduction. It offers freedom to the minor's desire of liberty—plunder to his avarice—glory to his weakness. In short, it offers bounty and wages for disobedience to his natural or social obligations. This is a true view of this law. That it will have that full operation which its advocates hope and expect—that it will fill your armies with runaways from their masters and fathers—I do not believe; but, that it will have a very great operation, I know. The temptation to some of our youth will be irresist-

ible. With my consent, they shall never be exposed to it.

Mr. Speaker, I hope what I am now about to say will not be construed into a threat. It is not uttered in that spirit; but only to evince the strength of my convictions concerning the effect of the provisions of this law on the hopes of New England, particularly of Massachusetts. But pass it, and if the Legislatures of the injured States do not come down upon your recruiting officers with the old laws against kidnapping and man-stealing, they are false to themselves, their posterity, and their country.

Mr. Fisk expressed the astonishment he felt at the observation which had fallen from the gentleman last up. He certainly agreed with the gentleman in one thing: that those who are in pursuit of a favorite object frequently overleap the bounds of reason and decorum in support of it. Now, it had been a favorite object with that gentleman to shield the British Government from blame; and it was an object which he certainly pursued with the greatest ardor and anxiety. In the address of that gentleman's political friends, in Congress, to their constituents, subsequent to the declaration of war, it had been deceptively said, that a disposition existed in the British Government to make an arrangement on the subject of impressment. Now, sir, that the ground is taken from under them, we hear that the object of the war is an unrighteous one, and we are guilty of waging it. Is it indeed guilty to defend our country? said Mr. F. The gentleman would overawe the Indians. Sir, the most innocent party in the war against us is the savage himself. How comes he in the ranks against us, with his tomahawk and scalping knife? Why is he impelled to shed our blood? Why has the gentleman shielded British instigation of their outrages?

Again, sir, has the gentleman no feeling for the sufferings, no ear for the groans of our suffering seamen? Has he no sympathy for those relations of life, from which the seamen is torn away, and for that moral sentiment which is violated in that outrage—and are we *guilty* because we seek to shield our citizens from it? Are we guilty because we resist the British scalping knife? Recall the year '98 to your recollection, sir, and the pompous display of energy at that day, and the armies raised—to fight whom?—a few miserable Frenchmen whom they could catch at sea. War was then a mere amusement. Why, that we are now at war with the nation who has been seizing our property, capturing our citizens, and carrying them into slavery—why are our means for carrying on war to be limited?

As to the provision of this bill so much objected to, was it esteemed such a violation of all right and principle in the commencement of the Revolution to take children of sixteen years of age from their parents? That was a

period when the youth of the country were invited to the field. I was one who accepted the invitation, and I have never regretted it. But, says the gentleman, will you take the child from the parent? Sir, which excites the most tears—a child leaving his parent to defend his country, or a parent torn from his family and his country to fight for a foreign power? The truth is, that most of those who object to this bill would destroy all the means of carrying on the war, if they could. It was not thought immoral in the war of the Revolution to take youths of this age, nor were they the least efficient part of our army.

Mr. D. R. WILLIAMS said, if it was possible for him to keep down those feelings of indignation which pressed upon his mind, in what he had now to offer, he would speak with due respect to the orders of the House, and not infringe its privileges. He wished, indeed, he had not occasion to speak; but, sir, said he, it is my misfortune to be the Chairman of the Military Committee, more, Mr. Speaker, by your partiality than by any merit of mine. I am compelled to rise. I have been stigmatized by the gentleman (Mr. QUINCY) as the introducer into this House of an atrocious principle. If such language comports with our rules of order, I must submit, seeing it is uttered where he is protected; but, sir, I must pronounce it a libel on myself, and throw it back on him who uttered it, as a foul, atrocious libel on the committee. Sir, I came here not disposed to use such language; nothing but extreme injury should extort it from me. I wish that the gentleman had kept the resolve he informed us he had formed; as he could not do so, I would that he had been good enough to spare me from the acrimony of his remarks. Atrocity! The advocate of an atrocious principle! Let the gentleman recur to those who originated this principle; let him go back to the day of the Revolution, and damn the memory of the patriots of those times, the fruit of whose labors he so ill deserves to enjoy. The provisions of those days authorized the enlistment of all over the age of sixteen years. Nor does the statement which the gentleman from New York made alter the case, for if there be an increase of population since the Revolution, there appears to be a correspondent deterioration of patriotism. The gentleman from Massachusetts admits that a necessity may exist to justify the course proposed by the bill. Well, sir, was there ever a crisis calling on a people for vigorous exertions more awful than that which impends over us now? Now, when a vile spirit of party has gone abroad and distracted the Union? Now, that the State which the gentleman represents is almost in arms against us? And, in such a state of things are we to be told that we are espousing an atrocious principle, because we are seeking for the means to defend our country? The will of the President is the law of the land, says the gentleman. How can he expect his arguments to be attended to,

when the first word he utters after taking his seat is to insult and abuse every one opposed to him in opinion. I beg your pardon, Mr. Speaker, I ask that of the House, for the language I am compelled to use; but so long as I am a man, so help me God, when I am told I am actuated by an atrocious principle, I will throw it back in the teeth of the assessor as an atrocious falsehood. Look back on the principle adopted by the friends of that gentleman—I wish I could say who were his friends—I do not call the honest federalist, who is willing to support his country's rights, his friend—even in England, the nation from which he talks of receiving his religion and morality, and I might add, his ideas of *our* rights—even in that country they do not prevent enlistment of minors—that is, they are not discharged on the ground of minority. I have said before, sir, that we had examples in our own Government, drawn not to be sure from the purest times, but which more than covered the whole case. A law was passed in 1798 which authorized the enlistment not only of minors but every description of persons whom the President of the United States thought proper to have enlisted—which authorized him to send his recruiting sergeants into every family and take those who suited him best. This was the principle of his friends. Does the gentleman say that it was atrocious in 1798 to defend ourselves against the French? But it has become so now, seeing the defence we seek is against the English. The gentleman has said we act on an absurd principle; that we have mistaken the means of carrying on the war to effect: we want the moral means. By this I presume he would be understood that the people are opposed to the war, particularly to our land operations. There seems then to be no moral objection to the war on the ocean. And, sir, if it be not immoral to support the war on the ocean, on what possible principle can it be immoral, in the same cause, to support it on the land? The war on both elements is for the same object; not as the gentleman says, to rob and plunder in Canada, but, according to the motto of the gallant Captain Porter, for "free trade and sailors' rights."

Mr. FITKIN remarked that the power given to a recruiting officer to enlist minors was a new principle. It had not been acted upon before, or since the Revolution—this is a new mode of raising an army; were gentlemen prepared to adopt this new principle? Although by the resolves of the Congress of 1776, minors could be enlisted, yet apprentices were exempted—and if any were enlisted, yet, on proper application, they were discharged, unless it could be shown the enlistment was with the consent of their masters or guardians. By the law of '98, the President certainly could direct relative to the age and size of a recruit—yet to whom did he apply? Not to apprentices—not to wards—and then if an officer enlisted an apprentice without the consent of his master, he could be taken away from him by



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the writ of *habeas corpus* and the officer held liable for damages. The eleventh section of the law for raising an additional military force contained a similar provision, and it was also necessary the consent of the master or guardian should be in writing.

Mr. P. did not intend to meddle at all with the policy of war—he should confine himself to the consideration of the most important principle contained in the third section of the bill. The effect of this bill goes to infringe all the State laws. They all provide for the relations which exist between a master and his apprentice—a guardian and his ward; if the apprentice runs away he can be procured and brought back; and some of the States provide, that when the apprentice comes again into the possession of his master, that he shall serve not only the time lost, but an extra time, to remunerate his master by these services for the losses he has sustained. If you take away his apprenticeship you deprive him of his property—this is a loss to the master, or he must recover where the services are due; that is, of the parent or guardian, who are one of the contracting parties to the indentures—and where is the remedy? Will not the officer be also liable to the State laws? Does not the constitution say, no laws shall be passed abrogating contracts? This bill will in its operation sanction the violation of contracts, or it means nothing—it sanctions the right to take away the property of guardians, parents or masters, without providing any compensation for the same. I repeat, you are introducing a new principle in the mode of administering Government. The pressure is also beyond comparison unequal on the Northern States. Do gentlemen plead the necessity of the case? Does a necessity exist superior to the laws? Are we to understand that the *salus populi* shall rule without control? If not, then what is meant by this grant to take the property of your constituents, and leave them no remedy for the injury? The honorable gentleman from South Carolina has referred to the practice of other nations. Great Britain herself never incorporated apprentices into her armies.

Mr. WILLIAMS admitted that apprentices were exempt—but minors were not.

Mr. FITKIN agreed but even when minors are enlisted without the consent of their guardians or masters, they can be released by the writ of *habeas corpus*. I believe that, in 1756, Great Britain passed an act which was designed to extend to only the colonies; it allowed indentured servants to be enlisted into the army—but this act made provision for the master, if the compensation was claimed within so many months after enlistment, and the necessary facts were proved before any two justices of the peace. Whether this act was ever carried into effect I do not know—but I do know that compensation was provided for the property taken from the master in the person of his servant.

Mr. TROUP.—If a stranger in the gallery had

listened to the member from Massachusetts, he would have supposed that the provision of the bill against which the gentleman's anathemas were most vehemently levelled, authorized the recruiting sergeant to enter the house of the citizen, drag from it the young man, and transport him, loaded with chains, (as is said to be the practice of one nation of Europe,) to the armies. Who would have supposed that the provisions merely authorized the recruiting sergeant to accept the voluntary service of the young man, between eighteen and twenty-one? The service due to the country, prior in point of time, paramount in obligation, must yield, says the gentleman, to the service due to the master, the parent, or the guardian. If, sir, in the days of Rome's greatness, if in the proud days of Grecian glory, the man could have been found base and hardy enough to withhold the young men from the public service, to turn them from the path of honor, or to restrain them from the field of fame, he would have been hurled from the Tarpeian Rock or consigned to the Cave of Trophonius. The young man is preferred here, not because he is preferred in France, but because his physical constitution and his moral temperament peculiarly qualify him for the arduous duties of the field and camp; bodily vigor and activity, ardor, enterprise, impetuosity; without family, and therefore without the cares which family involve. No wife, no helpless children. Without care, but for his country. Without fear, but for her dishonor. He is most eminently qualified for the duties of the camp and the field; all experience has proved it.

Mr. MACON said it appeared the House was now in a situation in which it had frequently been heretofore; that is, they take up a very small subject and make a very great one of it. The only question for discussion appeared to him to be, whether or not they would enlist into the Army young men between the ages of eighteen and twenty-one. He was very sorry that, at this early period of the session, a discussion had been introduced into the House, which had at all times better be let alone, that of foreign influence. He did not mean to discuss it; but, if gentlemen were anxious for it, he was perfectly willing to set aside a day for the consideration of the subject, and go about it methodically. He regretted very much that the feature to which he had alluded had been inserted in the bill; because he had been in hopes that, on the question of raising the pay of the Army, they would, one and all, have manifested a disposition to support the rights of the country. In the hope that they would yet come to an agreement on the subject; that they could give some vote of unanimity in relation to the war, he should move for a recommitment of the bill, with a view to amend it by striking out the third section. It appeared to him that, until a man had acquired political rights, he ought not to be called on to defend his country. The gentleman from South Caro-

jina says the principle of this section already exists in our militia laws. I admit it; and hence, I have always, when our militia laws have been under consideration, moved to strike out "eighteen" and insert "twenty-one." I hope, if we do not take recruits under twenty-one, we will alter the militia laws also, and let the country rely for its defence on those who manage its concerns. He hoped the House would consent to recommit the bill, and, in some one vote, show something like unanimity.

Mr. RANDOLPH rose to speak at the same moment with Mr. MAOON, but, being first seen by the SPEAKER, obtained the floor.

Mr. R. said that he was extremely happy, as he did not notice his friend from North Carolina, at the time of his rising—in which case he should certainly have given way to him according to custom—that he had caught the Speaker's eye first. I was about to rise, said Mr. R., for the purpose of making a similar motion; and there are considerations on which it is unnecessary for me to dwell, and towards which I will not even hint, that render it at least as agreeable to me that the motion for recommitment should come from that respectable and weighty quarter, rather than from myself. I shall vote for it upon the same grounds which would have induced me ultimately to vote against the bill; because it contains provisions, I might say principles, unsusceptible of modification, and, in my judgment, hostile to all those principles which I have hitherto entertained, and to which it is impossible for me to give the sanction of my support. I shall not vote against the bill, for some of the reasons urged by the gentleman from Massachusetts on my right, (Mr. QUINCY,) with more of eloquence than temperance, and answered in a style not dissimilar by my worthy friend on my left, (Mr. WILLIAMS.) They both reminded me of a stroke of perhaps the only comic poet this country has produced:

"The more they injured their side,  
The more argument they applied."

The gentleman from Massachusetts touched a chord, which, he ought to have known, was that which would insure the passage of this bill; which would excite a temper that would indispose the House to listen to the still small voice of conscience and of reason. I, sir, shall vote for the recommitment of this bill, and for reasons which I am almost ashamed to urge; which I hope to be excused for adducing. They have nothing to do with the question of impressment, of maritime war, of the invasion of Canada, of Indian warfare; but, sir, they are principles which, from length of time, I am sorry to say, have grown so obsolete, like some of the older statutes of those countries of more ancient date than ourselves, that, though I am not ashamed of them, I am almost ashamed to mention them—they are those professed by the Republican party in the year 1798, which I had the honor of attempting, at least, to support in

those days—the principles, as reduced to record, of the present Chief Magistrate of our country in those days. In truth, it has been insinuated, if not asserted, with much more of candor than of logical address, that the principles of the bill are those of the former friends of the gentleman from Massachusetts on my left, from which, I suppose, that gentleman has, in some way or other, deserted. This goes to prove, as far as the authority of the gentleman from Vermont and of my worthy friend from South Carolina has influence, that a long course of opposition has instilled into the gentleman something of the principles which did not belong to his friends while in power; that he is a deserter from his party, and consequently that I have remained a faithful sentinel at my post. I did not expect to hear it said, sir, that this bill was not to be opposed because a similar bill had been passed in what used to be called the Reign of Terror. In other words, I did not expect to hear it stated that the principles of the Administration of the predecessor of Jefferson, which, I suppose, he would now be as ready to recant as any man in the nation, justified the bill; that it ought to be passed, because it was fashioned in conformity to such doctrines. It is now, sir, I think, some thirteen or fourteen years ago, since a similar question was agitated on the floor of this House, and it was my lot to be compelled to sustain the same side of the question which I sustain to-day—for I will not use the qualified term, *attempt* to sustain, against one of the proudest names in this country—against the man who now presides, I will not say with what splendor of abilities, at the head of the judicial department of our Government.\* The House will readily agree that, plain must have been that question which could have been supported with such unequal odds; that strong must have been that side of the argument against such an advocate. It was one of those occasions on which the gentleman who then presided in the House declared "he never witnessed a more unpromising debate:" it was so—for it was one of those which tended to put that gentleman and his friends into the situation which so many of them—I will not say all—for there are some illustrious examples to the contrary—into the situation which many of them have since occupied. It was an assertion of the great fundamental principles of our Government against arbitrary, high-toned courtly notions. The party then in power had been nearly as long in office as the party now in power, and looked at the question pending before them, with a very different eye, while they wielded the sceptre, than that with which they look at the question now, when the sceptre is applied to their backs. I am sorry to say that I fear that the converse of the proposition is, in a great degree, true, and that those principles which I then supported, and which were the ground of the revolution of political sentiment in 1801

\* Chief Justice Marshall.

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which thereafter ensued, have fallen, as it were, in abeyance; that, in fact, we have forgotten our oracle.

I have said, on a former occasion, and if I were Philip, I would employ a man to say it every day, that the people of this country, if ever they lose their liberties, will do it by sacrificing some great principle of free government to temporary passion. There are certain great principles, which if they be not held inviolate at all seasons, our liberty is gone. If we give them up, it is perfectly immaterial what is the character of our Sovereign; whether he be King or President, elective or hereditary—it is perfectly immaterial what is his character—we shall be slaves—it is not an elective government which will preserve us.

But I am afraid I have fallen somewhat into error, by wandering from the course I proposed. On the occasion to which I have alluded, I maintained that the provision of a bill then pending, similar to that I now object to, was arbitrary, unconstitutional and unjust, because it was in the nature of an *ex post facto* law. It is of the nature of an *ex post facto* law—it is more—it tends to exalt the military authority over the civil—it is this or it is nothing. If the section pronounce an ambiguous voice, to be construed according to expediency, then is there so much greater reason to recommit the bill, to reduce it to some shape which shall render it intelligible to the meanest capacity. It goes to alter the nature of a remedy—to impair the obligation of a contract. A man has contracted a debt, and his creditors arrest him. He enlists. He enlists through the grates of a prison, or within the limits of prison bounds. The contract between this man and the creditor is varied by the law, because the remedy of the creditor is changed. Let us not have a deecant on the cruelty of imprisonment for debt, and the expediency of introducing other provisions on that subject. That is not the question. It is on a law for exempting a particular class of men from those penalties and provisions which attach to all other classes of society. The military of all classes in society, that class which we are about to exempt from the general provisions attaching to other classes, is that of which the people of this country have been led by all our writers, by all our authorities, to entertain the most watchful and justly founded jealousy. It is on principles somewhat analogous to these, or rather the same, much better enforced, that an opposition was maintained to a law, not dissimilar in its provisions from this, in the winter of 1799–1800.

In the fury and tempest of his passion, my friend from South Carolina seemed to overlook, what I thought he would be one of the last to forget, that we live in a limited Government, possessing restricted powers, which we cannot exceed. Has the constitution, with the most jealous scrutiny, defined the privileges of a member of this House, not permitting us to define our own, and made our principal privilege

an exemption from arrest; and do we clothe ourselves with a power of exempting from arrest, *ad libitum*, a whole class of society—of creating a privileged order? We are, indeed, a privileged order, but we are privileged by the constitution. I ask the gentleman from South Carolina whence he derives the power of creating a privileged order, and, shall this assumption of power be attempted in favor of the military, of all other classes? In my opinion, sir, the section to which I have had reference is freighted with most fatal consequences. I will suppose a case. Suppose a man had a writ served upon him, and he afterwards enlists; that an escape warrant is taken out against him, and a contest ensues between the recruiting sergeant and the civil officer for this man, and that the civil authority supports its officer by calling out the force at its disposal. What would be the upshot? What is it to lead to? I need not state the consequences. These principles, sir, were urged thirteen years ago; they are urged now, in the same place, and on the same occasion. I cannot consent, in deference to any gentlemen, however great their zeal, to admit that I merely urged them at that time, from party views, to put down one description of persons in order to get into their warm berths. I cannot consent to such an admission, and, therefore, cannot give my support to any bill which contains such provisions. I have said this will be an *ex post facto* law. It is so; it operates not only after the right has accrued to the creditor to sue out his writ, but after it is in a course of execution. Let me put another case. Suppose that Congress were to pass a law that every malefactor under the sentence of death, who enlisted in the Army, should not have the sentence of the law executed on his body. Have you not as good a right to do that as to pass this law? Would you consent to see a scuffle at the gallows between the civil authority and the military for the body of that wretch?

I will put another case, sir. A son, who is the only support of a widowed and aged mother, in some moment of hilarity, perhaps of intoxication, led astray by the phantom Glory, enlists in the army of the United States. I speak of one who is a minor. Although I know that freemen of this country cannot be property in the sense in which a slave is property, yet, I do allow that the mother has a property in the time of that child; that he is under an obligation from which no human law can absolve him—an obligation imposed upon him by the maternal throes that issued him into life—by the nourishment drawn from the parent's breast—by the cherishing hand which fostered him through imbecility and infancy. You have not a right to take him—I hope, then, sir, that no question will be made of your power.

I put another case, said Mr. R. Although an apprentice and a minor are not property in the sense in which a slave is property, there is a class of men, unluckily, in certain parts of our country (in Philadelphia, for instance—I mean

that class called "redemptioners,") who were sold but yesterday in the markets of that city. Is the gentleman who represents that district (Mr. SKYBERR) willing that they shall absolve themselves from their contract by enlisting in the Army? If he is, I am. A redemptioner sold in Philadelphia for a term of years, bought in the market as fairly as any other commodity—I say fairly, because bought with his own consent, and as he believes, for his own advantage)—such a person, if tempted to enlist, will, unquestionably, prefer the pay and emolument of the soldier in your Army to his present situation. With regard to apprentices, I very much fear, sir, that those who enlist will, for the greater part, be of that description for whom their masters have advertised six cents reward, and forewarned all persons from harboring them. I remember, when a small boy, to have seen a series of prints by Hogarth, called "The Progress of Industry and Idleness." The gradations were not more regular than natural. The one ends with wealth, honor, and an eligible matrimonial connection with the daughter of his master, with whom he had been admitted into partnership; the other is brought up by the gibbet. Their names were Thomas Idle and William Goodchild. I believe, sir, that more of the Thomas Idles than of any other will enlist under this law, and I sincerely hope they will; for I very much fear that even William Goodchild, after he has gone through the discipline of a camp for five years, will be utterly unfit for any other species of employment. This is not all. There are other considerations, which I forbear to touch—which, I should have supposed, would have brought themselves home to the bosom of every gentleman in this House. Personal indisposition has prevented my attendance in this House, and I did not hear of this bill until last night. It was then mentioned to me by one who is fast in the old faith, and has often brought the House to a recollection of good old principles; and I did hope that they would this day have received more strenuous aid from that quarter than they have. I hope the House will refuse to pass the bill, if it were only to show that there is some one act of the Administration of 1799–1800, which the present possessors of power have not copied from their statute book. There remains only this, and the eight per cent. stock loan—and we are saved from the latter only by the infractions of that law, which we imperiously refused at the last session to repeal. It is the infractions of this law which has poured money into our coffers, and saved us from the disgrace of an eight per cent. loan. There is another part of this bill which strikes me as being inexpedient; but, as I do not wish to blend considerations of expediency with those of great and vital principles, I shall waive any thing on that head.

The question was then taken on the motion to recommit the bill, and lost. For recommitment 42, against it 62.

The question was then taken that the said

bill do pass; and resolved in the affirmative—yeas 64, nays 37.

MONDAY, November 23.

*Proposed new State.*

On motion of Mr. POINDEXTER, the House resolved itself into a Committee of the Whole, on the bill to authorize the people of Mississippi Territory to form a constitution and State Government, and for the admission of the same into the Union.

Mr. RICHARDSON moved to strike out the first section of the bill.

This motion was supported by Mr. FITCH, principally on the ground of the inexpediency on general principle, of giving to a Territory embracing a population of only twenty or thirty thousand souls, a representation in the Senate equal to that possessed by other States, some of which contained a million of inhabitants. Another objection was, that the bill proposed to incorporate within a State the town and citadel of Mobile, now in possession of a foreign power; and thus make it the duty of a State to expel from its territory a force which the President had not thought fit to remove.

The motion was opposed by Mr. POINDEXTER, who contended that the population of the Territory was much greater than was represented; and even if it were not what it is, that a precedent was to be found in the incorporation of Ohio and of Louisiana. He represented in glowing terms, the anxiety of the people of the Territory to be enabled to bear their share of the expense as well as the dangers of the present war in support of our just rights; in which cause they had already employed twelve hundred militia, which the gentleman could not say of the populous State he represented; and if that were not enough, they were ready to put a bayonet into the hands of every man in the Territory capable of bearing arms. As to the occupancy of Mobile by the Spaniards, it was not a valid objection; but if it were, he said he hoped it would soon be invalidated; he trusted that the spirit of the country would aid the disposition of the Executive to repel every foreign enemy from our territories.

The motion to strike out the first section was negatived, yeas 24.

After some amendment to the bill, the committee rose and reported it to the House.

Mr. FITCH renewed the motion to strike out the first section of the bill; which was negatived by a large majority.

The bill was then ordered to be engrossed for a third reading.

TUESDAY, November, 24.

*Mississippi Territory.*

An engrossed bill to enable the people of the Mississippi Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing

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*Medals and Prize Money.*

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with the original States, was read the third time; and, on the question that the same do pass, it passed in the affirmative—yeas 63, nays 39.

WEDNESDAY, November 25.

*Constitution and Guerriere.*

Mr. BASSETT communicated to the House the following documents:

NAVY DEPARTMENT, Nov. 21, 1812.

SIR: In order to enable the committee to form a satisfactory opinion as to the compensation to be provided for the officers and crew of the frigate Constitution, for the capture and subsequent destruction of the British frigate the Guerriere, I have the honor to state to you that the Constitution rated 44, and mounted 55 guns; that the Guerriere rated 38 and mounted 54 guns. The Guerriere, although entirely dismantled, and in other respects much crippled, could have been brought into port without incurring any other risk than that of recapture; but Captain Hull conceived that if he had manned the Guerriere for the purpose of sending her into port, he would have so far reduced the crew of the Constitution that he might have subjected both vessels to capture. He presumed that, under all circumstances, it would be better for him to destroy the Guerriere, and preserve the force of the Constitution unimpaired, and his having done so unquestionably proceeded from the most patriotic considerations.

The Guerriere was a frigate of the first class in the British navy; and, no doubt, when the engagement between the Constitution and her commenced, she was completely fitted in all respects for the most serious service. The cost of such a ship, independently of her stores, could not have been less than two hundred thousand dollars, and her stores were worth, in all probability, fifty thousand dollars at least; besides, she had on board a number of prize goods, the value of which cannot be ascertained; but was probably equal to fifty thousand dollars more. So that the whole value of the Guerriere, her stores and prize goods, at the time the action commenced, may fairly be estimated at three hundred thousand dollars.

Had Captain Hull have incurred the risk before mentioned, and succeeded in getting the Guerriere into port, the officers and crew of the Constitution, considering the Guerriere as her equal, would have been entitled to the whole of the Guerriere, her stores and prize goods. Sooner, however, than run the risk of losing the Constitution, he determined to destroy the whole. The question then arises, what, under these circumstances, ought the officers and crew to be allowed? For my own part, I have no hesitation in giving it as my opinion that the sum of one hundred thousand dollars would not be too liberal a provision, or too great an encouragement for the great gallantry, skill, and sacrifice of interest displayed on this occasion; and I am persuaded that, if such a provision were made, the difficulties of manning our frigates, at present experienced, would vanish.

It may further be remarked, that Captain Hull, while on the cruise, on which he captured and destroyed the Guerriere, burnt two enemy's vessels, viz: the brig Lady Warren and the brig Adeora, and obliged the enemy to burn the brig Dolphin, with a cargo of hemp and Russia goods, and to abandon an English barque laden with timber: for no

part of which have the officers or crew of the Constitution received any compensation.

I have the honor to be, with great respect, sir, your obedient servant,

PAUL HAMILTON.

Hon. B. BASSETT.

WASHINGTON, Nov. 23, 1812.

SIR: In compliance with your request, I have the honor to state to you that my opinion, as to the value of the Guerriere, at the time the action between her and the Constitution commenced, is, that, exclusively of her stores and prize goods, she was probably worth two hundred thousand dollars; and my impression is, that her stores and prize goods must have been worth one hundred thousand dollars.

I am informed that, independently of their stores, the frigate President cost two hundred and twenty thousand dollars; that the Chesapeake cost two hundred and twenty thousand dollars; and that the Congress cost one hundred and ninety-seven thousand dollars. These vessels were certainly built on good terms; and it is from their cost that I form my idea as to the probable value of the Guerriere; and my impression as to the value of her stores and prize goods is derived from personal observation and information obtained on the occasion from different persons.

I have the honor to be, very respectfully, sir, your obedient servant,

ISAAC HULL.

Hon. BURWELL BASSETT, *Chairman, &c.**Medals and Prize Money.*

On motion of Mr. BASSETT, the House resolved itself into a Committee of the Whole, on the report of the Naval Committee on the proposed vote of a gold medal to Captain Isaac Hull, late commander of the frigate Constitution, and silver medals to the other officers, and a sum of — thousand dollars, to be distributed as prize-money among the officers and crew, as an expression of the sense entertained by this House of their bravery and conduct in attacking and vanquishing the British frigate Guerriere.

Mr. BASSETT spoke in support of the resolution. He stated the magnitude of the achievement; the amount of value of the capture; and assigned many reasons particularly in favor of the donation to the officers and crew, on whom collectively he proposed to bestow the sum of \$100,000, and made a motion to that effect. He said the prize money arising from the capture, had not the public service required the destruction of the Guerriere, would have amounted to much more; and the merits of those concerned in the capture entitled them to this remuneration. He dilated on the present low price of wages on board our public ships, and adverted to the seaman's hardships and the seaman's risk, &c.

The question on filling up the blank with "one hundred thousand dollars," was then taken, and decided in the affirmative — 50 to 37.

The committee rose and reported their agreement to the resolution.

FRIDAY, November 27.

A new member to wit, from Georgia, WILLIAM BARNETT, returned to serve as a member of this House, in the place of Howell Cobb, resigned, appeared, was qualified, and took his seat.

TUESDAY, December 1.

*Naturalization Laws.*

On motion of Mr. LACOCK, the House resumed the consideration of the bill supplementary to the naturalization laws.

On motion of Mr. LACOCK, the bill was amended by adding thereto the following additional section:

"And be it further enacted, That every naturalized citizen of the United States, or the Territories thereof, shall forfeit such citizenship on his voluntarily departing from and remaining out of the United States for and during the term of two years."

On motion of Mr. FITCH, the following other section was also incorporated in the bill:

"And be it further enacted, That all persons who shall have been naturalized subsequent to the 18th day of June last, shall be entitled to all the rights and privileges of citizens of the United States, from the date of such naturalization, any thing in the declaration of war against Great Britain, or any other act, to the contrary notwithstanding."

Mr. FISK moved to strike out *nine* months, the time allowed to citizens to take the benefit of our naturalization laws, and insert *three*. He said he could not see why so long a time should be allowed. The longest time extended to our citizens in Canada is thirty days; and he did not see why so much more liberality should be extended to their citizens here. He was opposed to their remaining here longer than necessary, the more especially as they employed themselves in exciting divisions, and fomenting the party feuds which now agitate the country.

Mr. LACOCK thought the time proposed was too short; that in some districts they could scarcely hear of the law within that time, and at any rate might not be able to meet with a tribunal, at which to comply with the requisites of the naturalization law, before the expiration of that period.

Mr. FISK withdrew his motion for the present.

THURSDAY, December 8.

SHADBACK BOND, returned to serve as a delegate, in this House, for the Illinois Territory, appeared, was qualified, and took his seat.

SATURDAY, December 5.

*Privateer Captures.*

Mr. McKIM presented a petition of Commodore Joshua Barney, on behalf of himself and the owners, officers, and crews, of sundry private armed vessels of war, "praying to be considered as claimants to all property proven to be enemy's property, found on board of vessels

sailing under the American flag, having on board British manufactured goods, coming from Great Britain to the United States, and under the protection of British licenses, which have been captured by them, or that they may participate as 'informers' in the seizure and condemnation of the said property under the non-importation."—Referred to the Committee of Ways and Means.

MONDAY, December 7.

Another, member, to wit, from Virginia, EDWIN GRAY, appeared, and took his seat.

TUESDAY, December 8.

Another member, viz: from Virginia, WILLIAM A. BURWELL, appeared, and took his seat.

WEDNESDAY, December 9.

*Imprisonment of American Seamen.*

Mr. BASSETT offered to the House the following resolution:

Whereas, It is represented, that Great Britain has seized sundry persons fighting under the American flag, laying claims to them alike incompatible with justice and the rights of the United States as an independent nation:

Resolved, That the President be requested to lay before this House the information he has received on that subject, and the measures taken to redress an evil which violates the rights and interests, and outrages the feelings of a free and independent people.

Mr. BASSETT stated that several cases had come to his knowledge in which the British naval commanders had seized persons taken on board of American armed vessels, and confined them, in one instance, in irons, and in another had transported them to England for trial. It was not his intention now to go into an examination of these cases. Such an examination was not necessary to authorize the House to call for the information required. He had given its present form to the motion he had offered, because its adoption would go to show that the councils of the nation were not indifferent to this subject. It would, he trusted, further enable the Executive to show that it never slumbered on any occasion in which the rights of the people were concerned; and he had no doubt the information to be received would show it. When it was received, the House might take what course it pleased; perhaps no legislative act would grow out of it. But it was proper, in any event, that the House should be in possession of information required.

Mr. MILNOR said he had no objection to the call for information, but he excepted to the form of the resolution, for two reasons. It was prefaced by a preamble, which was not used in such cases, which preamble, moreover, assumed as fact circumstances of which the House had no official or authentic information. His other objection was, that it expressed an opinion on a point on which he was not ready

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to express one. Mr. M. said he knew not the extent of the evil of which the gentleman complained. If it was merely that Great Britain laid claim to her own subjects fighting our battles against her, he would at least not say that this was an act on the part of Great Britain deserving all those severe epithets which the gentleman had thought proper to attach to it. The resolution stated facts not before the House, and expressed an opinion on an act the degree of enormity of which depended on the circumstances respecting which it was proposed to ask for information. Mr. M. wished that the House should not lightly be compelled into a discussion of this subject, and especially as the gentleman had intimated the probability that no legislative act was to grow out of the information called for.

Mr. SEYBERT said, as his colleague's principal objection to the motion appeared to be a difficulty as to facts, he hoped to procure his vote for its adoption by stating at least one which had come to his knowledge. I, said Mr. S., had the honor to have a nephew on board the ship *Wasp*. He informed me this morning that after they had been carried into Bermuda, several of their crew were taken and confined in irons; that he saw them in that situation; and that their crime was, having fought the battles of our country. What may be my colleague's feelings on this occasion, I know not—I hope they are honorable to himself and the House—for myself I wish the subject investigated. Mr. S. concluded by expressing his hope that the resolution would pass.

Mr. MACON said he was anxious to obtain information on this subject, but doubted the propriety of the preamble. After the information was received, it would be time enough to express an opinion on the subject. He had no doubt that we must at last come to the determination to protect every man that is on board of a ship of the United States. It is what Great Britain herself does; and in this respect we ought to follow her example. If these people undertake to fight our battles, we ought to protect them. Mr. M. said he was opposed to the preamble, because he did not wish to give reasons to the departments of the Government for any call for information the House thought proper to make; it was enough that the House should ask for it, and the President should give or withhold it. The practice heretofore was against the course now pursued.

Mr. BIGELOW said he had no objection to the call for information, divested of the preamble and the opinion expressed in it, except that it did not go far enough. He proposed to amend it by adding thereto the following words, "accompanied with all the evidence in his possession, which will tend to show whether such persons are American citizens or British subjects."

Mr. BASSETT said he was indifferent as to the form, provided he obtained the substance; he, therefore, should submit to such modification as

the gentleman from North Carolina should think proper to make. But, said Mr. B., as it has been said that there is no information before the House, I state that I understand, and it is my belief, that six men of the crew of the United States brig *Nautilus* were detained and sent to England for trial; and that Commodore Rodgers had detained as hostages for their safety twelve British subjects. I state also to the House that I understand and believe that six seamen of another armed vessel have been detained, and that General Pinckney had detained a like number of British subjects. I state that I have received information that the boatswain of the *Wasp* had been put in irons after she was taken. These violations of humanity and the law of nations I believe to require retaliation. When I voted against a bill on this subject (Mr. WRIGHT's) it was not because I was opposed to retaliation. No, sir; retaliation in war is often mercy—it puts an end to those cruelties which would otherwise frequently disgrace parties at war, and is indispensable in the conduct of hostilities.

Mr. B. having withdrawn his motion, it was substituted by the following, offered by Mr. MACON:

"Resolved, That the President of the United States be requested to cause to be laid before this House any information which may be in his possession touching the conduct of British officers towards persons taken in American armed ships."

Mr. RANDOLPH said he trusted that the resolution now before the House would meet with no objection; although against the resolution as first proposed, he must have voted for it, notwithstanding all the odium which might have attached to such a vote. He hoped, he said, that rigorous retaliation would take place if our countrymen found in arms had been treated as criminals and not as prisoners of war. He hoped we should have ample atonement for every drop of American blood which should be spilt in such manner. Having taken occasion to pay a handsome compliment to the gallantry of our Navy, which was not heard with sufficient distinctness to be reported, Mr. R. concluded by hoping there would be no objection to the resolution.

Mr. MILNOR said he thought it due to the gentleman from Virginia (Mr. BASSETT) to state that, owing to the noise which prevailed in the House, he had not before heard the statement which the gentleman had now been kind enough to make. He had heard of no such case as that alluded to by his colleague; but he trusted he had been sufficiently guarded not to commit himself, even to the most invidious construction, as opposed to a proper investigation of this subject. To the present motion he yielded his perfect acquiescence. Mr. M. said he trusted that in any thing that related to the honor of the country in the contest in which we are now engaged, whatever might have been his opinion of the propriety of entering into it,

he should not be found more backward than other gentlemen in sustaining the just rights of the nation.

Mr. SHEFFEY said, if American citizens had been treated in the manner represented, he was clearly of opinion that severe retaliation ought to follow. But did gentlemen pretend that a British subject, running away from a British vessel, and found on board of one of ours, was to be considered as entitled to be treated as a prisoner of war? Could this doctrine be asserted by any gentleman? He presumed not. The resolution, as it now stood, would not elicit the facts material as to this point. He, therefore, moved to amend it, by inserting, after the word "persons," the words "other than British subjects."

Mr. SEYBERT said he was happy to hear the declaration last made by his colleague, (Mr. MILNOR.) He hoped the amendment first offered would be rejected with disdain. [The SPEAKER declared that such language was not proper in debate, the expression being too strong, and such as sometimes led to a personal altercation, always to be avoided.] Mr. S. thanked the Speaker for his caution; he meant no personality; but he thought it did not become this House to debate whether the persons in question were British subjects or not, when they had been put in irons for fighting the battles of the country. Let the proof rest on the aggressor on national law and the violator of the rules of war. He hoped the House would without hesitation reject the amendment. I may go too far, said he, by stating too much; but I will say thus much without risk of contradiction: that the boatswain of the *Wasp*, a warrant officer of the United States, had been twelve years within the United States and has a wife and children here. These, I hope, are sufficient characteristics to insure him our support: I will give him mine, and have no doubt the House will do the same.

Mr. RANDOLPH said that the proposed amendment brought strongly to view the impropriety of the House, on the rude suggestions of any member, committing itself hastily by a definite determination which to-morrow they might be disposed to retract. He believed this was one of those cases in which there was no necessity for haste. The House would be as competent to-morrow, to decide on the subject of the resolution and the proposed amendment, and in a manner to redound, at least, as much to the credit of the House and the national good, as now. With regard to his own opinions, if they were of any importance with his worthy colleague, he would at once say they were on this subject the opinions of that man, from whom he never did dissent but upon one question, without being wrong—that man who was emphatically called for eight years our Commander-in-chief—the founder of this nation—the author of the constitution—our first President—the man who was made for the office, and the office for him—the man who discharged all its duties

so perfectly, as if it had been only to show those who come after him their incompetency. Mr. R. said he would ask his worthy colleague, what he supposed would have been the fate of a certain Benedict Arnold, had he been brought alive to the American camp, after his desertion from it? On that subject there can be but one opinion. On another question, if his opinion was of any value, he would state it. It was not a loose thought, taken upon the impulse of the moment; but the result of meditation and reflection. As long as foreigners, naturalized by our laws, remain on our soil, he was ready to throw over them the mantle of the constitution—he would protect them, as he would protect the native citizen, at the hazard of the last shilling of the public revenue, and the last drop of the blood of our people. But, when they go abroad on the high seas; when they come to this country to acquire a neutrality of character, now indeed no longer to be found here; when they come here only to neutralize goods in the Baltic, at Heligoland, in the Black Sea, the White Sea, and the Red Sea, and the passing to and fro on the highway of nations; if it please God, their old master George the Third, or Napoleon, or Alexander of Russia, should lay his hand on them, they were welcome, Mr. R. said, for him. He would not spend one shilling, one drop of American blood, to redeem such a man; much less would he have retaliation executed on subjects of the nation claiming him, with whom we should happen to come in collision, which might have to be expiated by the native blood of these States. I would not, said Mr. R., have the New England man or old Virginian executed by any despot, limited or unlimited in authority, in order to secure to us the worthless property in the man who is a Christian in Christendom and a Mussulman in Turkey. But, Mr. R. asked, did not this question assume a different shape, when this man was not going to and fro on the high seas in search of plunder, which he calls patriotism, but, when he is found in a public ship of war of the United States! On that subject—for it was a new question—he was not prepared to decide. It was not, Mr. R. said, and the House might rely on it, the sentiment of the people of these States—it might be of some comparatively small, and therefore only insignificant section of the community—that we should enter into a contestation with France and England for property in their subjects.

Mr. R. here drew a comparison between the practice of harboring slaves in some of our Northern cities, Philadelphia for instance, and the countenance given in this country to European emigrants. As to these foreigners, Mr. R. said he owed them nothing. He was sorry they had ever found refuge here—he wished he had driven them from our shores—or have permitted, as we have the merchants, to go out where they pleased, without attempting to protect them.

Mr. QUINCY rose, he said, simply to express



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as regret, that a debate in this form and manner should have arisen. The question which had been touched, was one which required all the information and light which could be shed on it. The principles connected with it were so numerous and critical, that it required all the reflection of which gentlemen were capable, to enable them to discuss and decide it in a proper manner. He rose also to express his regret that a motion for amendment should be made by a gentleman with whom he frequently coincided in opinion, which went to exclude information of the manner in which officers created persons other than British subjects. He could not vote against receiving information of any kind—particularly on a subject so interesting. Mr. Q. was proceeding in his remarks, when—

Mr. SHEFFEY withdrew his motion.

Mr. BASSETT explained his ideas of expatriation. He would not protect the man who had left the country with an intention not to return, &c., but he would protect the man who went out to fight the battles of the country.

Mr. RANDOLPH rose for the purpose of moving an amendment. He adverted to the language of the resolution, and drew a distinction between the character of privateers and of our public armed vessels. Was it competent, he asked, to the Government to receive as testimony the statement of the commander or crew of an American corsair? It was well known, too, he remarked, that the high wages which had been paid to the crews of the privateers, was one of the reasons why the American Navy was in some degree unmanned. And, was it not a different question, whether we should interpose our authority between the subject of a foreign nation and his Government, when that subject is fighting your battles, bleeding on the deck of your public ship, at twelve dollars a month, and when he is decoyed into a corsair by the temptation of eighty, fifty, or forty dollars a month? There is a difference, sir, said Mr. R. I trust, said he, if we receive the information we are about to ask, we shall get it from a pure and authorized source, such as no man can question. I mean the commanders of our public ships of war. Mr. R. concluded by moving to strike out "American," and insert "public," so as to read "public armed ships."

Mr. WIDGEXY expressed his surprise at the various expedients resorted to, to embarrass this question; and hoped this would have the same fate as the other. He said he could tell the gentleman that many privateers had been manned without a cent of wages. But, suppose they had been manned in other ways, were not privateers as useful in annoying the enemy as public ships? No man that knew any thing about maritime affairs would deny it. Wherever our privateers had come across an armed vessel of the enemy, of any thing like equal force, they had done their duty like American tars. We are at war, Mr. W. said, and ought

to check the enemy wherever we come in contact with them. He believed the privateering carried on had been of great advantage to us and injury to our enemy. As to the objection which had been offered to receiving the statement of their commanders, what were gentlemen afraid of? No disparagement to the commanders of the navy, (for he respected them all,) he knew gentlemen commanding privateers whose opinions were entitled to as great respect as that of any other, and whose word could not be questioned. In relation to the cases referred to in the resolve, particularly that of the boatswain, Mr. W. said we were bound by every principle of the law of nations to support him to the last cent of our money, more especially as he had a warrant under the seal of the United States. The conduct of our enemy was the less justifiable, as she manned her own ships with people of all nations.

Mr. RANDOLPH's proposed amendment was negatived by a large majority; and the resolution was agreed to without further debate or opposition.

FRIDAY, December 11.

*Macedonian and Frolic.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I transmit to Congress copies of a letter to the Secretary of the Navy, from Captain Decatur, of the frigate "United States," reporting his combat and capture of the British frigate *Macedonian*. Too much praise cannot be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit, also, a letter from Captain Jones, who commanded the sloop-of-war *Wasp*, reporting his capture of the British sloop-of-war, the *Frolic*, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation feeling what it owes to itself and to its citizens could never abandon to arbitrary violence on the ocean, a class of them which gives such examples of capacity and courage, in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, a preference of justice and peace, to hostility against a country whose prosperous career may be accelerated, but cannot be prevented, by the assaults made on it.

JAMES MADISON.

WASHINGTON, December 11, 1812.

U. S. SHIP UNITED STATES, AT SEA.

October 30, 1812.

SIR: I have the honor to inform you that, on the 25th instant, being in the latitude 29° north, longitude 29° 30' west, we fell in with, and, after an action of one hour and a half, captured His Britannic Majesty's ship *Macedonian*, commanded by Captain John Carden, and mounting forty-nine carriage guns, (the odd gun shifting.) She is a frigate of the largest class, two years old, four months out of the dock, and

reputed one of the best sailers in the British service. The enemy being to windward, had the advantage of engaging us at his own distance; which was so great that, for the first half hour, we did not use our carronades, and at no moment was he within the complete effect of our musketry or grape. To this circumstance, and a heavy swell which was on at the time, I ascribe the unusual length of the action.

The enthusiasm of every officer, seaman, and marine, on board this ship, on discovering the enemy, their steady conduct in battle, and the precision of their fire, could not be surpassed. Where all have met my fullest expectations it would be unjust in me to discriminate. Permit me, however, to recommend to your particular notice my first lieutenant, William H. Allen; he has served with me upwards of five years, and to his unremitting exertions in disciplining the crew is to be imputed the obvious superiority of our gunnery exhibited in the result of this contest.

Subjoined is a list of the killed and wounded on both sides. Our loss, compared with that of the enemy, will appear small. Among our wounded you will observe the name of Lieutenant Funk, who died a few hours after the action; he was an officer of great gallantry and promise, and the service sustained a severe loss in his death.

The Macedonian lost her mizzenmast, fore and main-topmasts, and main-yard, and was much cut up in her hull.

The damage sustained by this ship was not such as to render her return into port necessary; and had I not deemed it important that we should see our prize in, should have continued our cruise.

With the highest consideration and respect, I am, sir, your obedient humble servant.

STEPHEN DECATUR.

HON. PAUL HAMILTON.

*List of killed and wounded on board the United States.*

Thomas Brown, New York, seaman; Henry Shepherd, Philadelphia, seaman; William Murray, Boston, boy; Michael O'Donnel, New York, private marine; John Roberts, private marine—*killed*.

John Mercer Funk, Philadelphia, lieutenant, (since dead); John Archibald, New York, carpenter's crew; Christian Clark, ditto, seaman; George Christopher, ditto, ordinary seaman; George Mahar, ditto ditto; William James, ditto ditto; John Lawton, ditto, private marine—*wounded*.

On board the Macedonian there were thirty-six killed, and sixty-eight wounded; among the former, were the boatswain, one master's mate, and the schoolmaster; and of the latter were the first and third lieutenants, one master's mate, and two midshipmen.

NEW YORK, November 24, 1812.

SIR: I here avail myself of the first opportunity of informing you of occurrences of our cruise, which terminated in the capture of the *Wasp*, on the 18th of October, by the *Poictiers*, of seventy-four guns, while a wreck from damages received in the engagement with the British sloop-of-war *Frolic*, of twenty-two guns, sixteen of them thirty-two-pound carronades, four twelve-pounders on the main deck, and two twelve-pound carronades on the top-gallant fore-castle; making her superior in force to us by four twelve-pounders. The *Frolic* had struck to us, and was taken possession of two hours before our surrendering to the *Poictiers*.

We had left the Delaware on the 13th; the 16th had a heavy gale, in which we lost our jib-boom and two men; half-past eleven on the night of the 17th, in latitude 37 degrees north, and longitude 65 degrees west, we saw several sail, two of them appearing very large; we stood for them for some time, then shortened sail, and steered the remainder of the night the course we had perceived them on. At daylight, on Sunday the 18th, we saw them ahead; gave chase, and soon discovered them to be a convoy of six sail, under the protection of a sloop-of-war; four of them large ships, mounting from sixteen to eighteen guns. At thirty-two minutes past eleven A. M., we engaged the sloop-of-war, having first received her fire at the distance of fifty or sixty yards, which space we gradually lessened until we laid her on board after a well-supported fire of forty-three minutes; and although so near, while loading our last broadside, that our rammers were shoved against the side of the enemy, our men exhibited the same alacrity which they had done during the whole of the action. They immediately surrendered upon our gaining their fore-castle, so that no loss was sustained on their side after boarding.

Our maintop-mast was shot away between four and five minutes from the commencement of the firing, and falling, together with the maintop-sail-rod, across the larboard fore and fore-top-sail braces, rendered our head-yards unmanageable the remainder of the action. At eight minutes, the gaff and mizzen topgallant-mast came down, and at twenty minutes from the beginning of the action every brace and most of the rigging was shot away. A few minutes after separating from the *Frolic* both her masts fell upon deck; the main-mast going close by the deck, and the foremast going twelve or fifteen feet above it.

The courage and exertions of the officers and crew fully answered my expectations and wishes. Lieutenant Biddle's active conduct contributed much to our success, by the exact attention paid to every department during the engagement, and the animating example he afforded the crew by his intrepidity. Lieutenants Rogers, Booth, and Mr. Rapp, showed, by incessant fire from their divisions, that they were not to be surpassed in resolution or skill. Mr. Knight, and every other officer, acted with a courage and promptitude highly honorable, and I trust have given assurance that they may be relied on whenever their services may be required.

I could not ascertain the exact loss of the enemy, as many of the dead lay buried under the masts and spars that had fallen on deck, which two hours' exertion had not sufficiently removed. Mr. Biddle, who had charge of the *Frolic*, states that, from what he saw, and from information from the officers, the number killed must have been about thirty, and that of the wounded about forty or fifty; of the killed, is her first lieutenant and sailing-master; of the wounded, Captain Winyates, and the second lieutenant.

We had five killed and five wounded, as per list; the wounded are recovering. Lieutenant Clayton, who was confined by sickness, left his bed a little previous to the engagement, and though too weak to be at his division, remained on deck, and showed, by his composed manner of noting its incidents, that we had lost by his illness the services of a brave officer.

I am, respectfully, &c.

JACOB JONES.

HON. PAUL HAMILTON.

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*Navy of the United States.*

[H. OF R.]

The Message and documents having been read—

On motion of Mr. RANDOLPH, they were referred to the Committee on Naval Affairs, with instructions to report a suitable expression of the Legislative approbation of the services detailed.

Mr. R. said he did not wish by this motion to limit the committee to reporting a resolution; or to preclude them from expressing approbation in a more substantial manner.

WEDNESDAY, December 16.

*Navy of the United States.*

The House resolved itself into a Committee of the Whole, on the bill from the Senate, which had been previously twice read in the House.

Mr. SAWYER made a motion to add the word "teen" to "four," so as to make it fourteen 74 gun ships.

Mr. S. thought it a proper occasion to try the question whether we were to have a navy or not. He took the occasion to congratulate the House upon the repeated victories of our little navy over the enemy; and of the grateful prospect of a speedy termination to the despotism of the seas. National piracy is about to be exterminated, and all nations permitted to traverse their great highway in safety. The thing can be done; and if we say so, with the will of God, will be done. The experiment upon which the proof hangs has been made. British arms cannot withstand American upon the sea. The bully has been disgraced by an infant; and fear shall no longer restrain an abject world from vindicating its long violated rights. Give us but a respectable fleet, and it is all we ask. But what can we do with four seventy-fours? They are a mere mockery. If we do mean to make a serious stand upon the ocean, such a force must be out of all character. If we mean merely to annoy her trade, (and he trusted we meant more,) frigates will do; but, to make any serious impression that way, we must have a respectable fleet; at least, in his opinion, fourteen sail-of-the-line. That would give us a preponderance on our own coast, and enable us to bring in our prizes with safety. Who can bear the idea of our being obliged to burn or sink all the ships we may take away from the enemy, for fear of their being recaptured? He thought we should save enough by the protection they would afford to our prizes to support the expense of them. We can easily support such a force. The expense, distributed over our widely-extended population, would be less than a dollar a head; and, where is the American who would grudge such a sum for such an object? The people, I am confident, will cheerfully pay it, because we are now at war, and a navy is found the most efficient weapon in our hands against the enemy. He therefore trusted that if it was the disposition of the House to have a navy, they would establish such a one as would answer some purpose.

Mr. SEYBERT said he did not anticipate that the bill from the Senate would have been called for to-day by the Chairman of the Naval Committee; notwithstanding he had bestowed some attention on the subject, he confessed his remarks would be made in a manner not entirely satisfactory to himself; he would, however, proceed with them.

Mr. Chairman, said he, I wish it was as easy to build, equip, and man the seventy-fours, as it will be to add the word "teen" to "four," as is proposed by the gentleman from North Carolina. So far from adding to the number of these ships, contemplated by the bill, he had intended to move that no seventy-four gun ships should be, at this time, authorized by the Legislature.

On a former occasion, Mr. S. continued, when a naval establishment was the subject under consideration, he stated at length his reasons for opposing the propositions before the House. The opinions which he then advanced concerning an extensively permanent naval establishment for the United States were still believed to be well grounded. He did not hesitate to declare his intention, at this time, and under the pressure of present circumstances, to yield much to general feelings, and the sentiments of the nation; nevertheless, he should guard against being carried too far by the current of popular opinion. It is equally my duty, said he, to keep in view what is conceived to be the permanent and vital national interest. He declared a uniform opposition to that establishment, which could not be brought within the means and resources of the nation to maintain it. We have made war, said he, to guarantee the honor and independence of the nation, as well as for the support of the just rights of our citizens; with these objects in view, he had consented to authorize a regular force of 25,000 men, and advocated one more numerous, though in principle he was opposed to standing armies. If, then, a great portion of my fellow-citizens deem an increase of the Naval Establishment essential to promote the great work, why should it be refused on my part? No opposition would be made by him to the principle or spirit of the bill before the House, though, he confessed, he did not approve the provisions as to the kind of force therein contemplated.

Mr. S. continued.—At this time our principal object should be, to authorize that species of force which can be furnished in the shortest period, and which promises to be the most efficient in the present contest. If the views of the Government were not now confined to the present war, he considered it inexpedient to build public ships. It was necessary that the revenue should be cautiously applied. If it be employed so as to carry on the war with vigor, he would not shrink from any appropriation which could tend to produce that effect; by protracting the contest for the want of means, expense will be accumulated, and we should achieve nothing.

Mr. S. would not assent to an increase of the

navy, with a view to reconcile other measures to the opposition—to him that vote promised no such result. Our political opponents, continued he, will tell us, as regards the navy, you are doing right to add to it; thus far we will go with you; we always maintained this to be the proper course; as to your golden dreams in Canada, we will abandon them to yourselves exclusively. Such were his present impressions; it would gratify him to find himself to have been mistaken. He declared his intention to oppose the building of 74's, or double-decked ships, and to advocate a greater number of the largest class frigates. If, however, his statements should not prove satisfactory to the House, he declared the failure would not induce him ultimately to vote against that species of force which a majority might deem expedient.

If, said Mr. S., the great reason for now laying the keels of the double-decked ships, be (as was lately acknowledged elsewhere by high authority) to test the intentions of the legislature as to a permanent naval establishment, he, for one, declared, he would not thus be tested, nor could he be thereby induced to vote in favor of the proposition; he would always be governed by circumstances.

The declaration of the committee, that it was proper to meet "like with like," or, in other words, because the British have seventy-four gun ships, the United States should have them of the same class, would have no effect on him. We might as well say, because there are ships in the British service, which carry one hundred and twenty guns, we should also have such. This reasoning is fallacious. No one has attempted to advocate the latter proposition. Admitting that you had four seventy-four gun ships on your navy list, he maintained, they would answer no good purpose. In the course of the following year, their number will be more than doubled and trebled on the part of the enemy. The consequence would be, that your most expensive ships must either combat under very unpromising circumstances, or they would be blockaded in your harbors, and then be worse than useless; they must be kept at a heavy expense, and their crews would deprive other ships of the men necessary for their equipment. He said, the opinions which he had just advanced were not the result of idle speculations at the fireside; they were supported by intelligent commanders, and rested upon the firm base of experience; they were confirmed by the conversations of some whose splendid achievements adorned the pages of our Revolutionary history, and by others, who rank as heroes of the present war. He asked, why need we resort to other authority, when that of the head of the Naval Department can be brought to bear testimony in favor of the propositions laid down? In the year 1798, the Secretary of the Navy informed the House that twelve seventy-fours, as many frigates, and twenty or thirty smaller vessels, "would probably be found suffi-

cient to insure our future peace with the nations of Europe." In 1811, it was declared that, "twelve sail of seventy-fours and twenty well-constructed frigates, with our smaller vessels," were necessary to annoy the commerce of the enemy, and guard our coasts. To this he added that, in the year 1811, during a state of peace with the United States, the British had seven ships-of-the-line on the American stations, independent of fifties, frigates, and smaller vessels; at the same time, they had thirty-nine ships-of-the-line on the stocks! Tell me, said he, what is to keep a great proportion of them from your coast in 1813?

Mr. McKee said, he had not expected this subject would have been taken up to-day, or to say any thing on it when it should be taken up. But, said he, for what purpose, I feel impelled to ask, are you going to build these vessels? Are you to spend four or five millions of dollars, in addition to your present extraordinary expenditures, to protect commerce? Will this old argument, in favor of a navy, now be used, which we have so often heard heretofore? Sir, where is your commerce now to protect? Will you protect that clandestinely destined to Great Britain? No, surely. Will you protect that destined to the coast of France? Let us reflect what commerce you can carry on with France. None worth protection, or of any moment to the great body of the American people. Does France purchase your tobacco or cotton, which heretofore have found a market there? She has never been a purchaser of provisions or breadstuffs. What is the state of trade between us and France? Your cotton, in France, is taxed with enormous duties. No man who is not under the influence of the moon would, at this time, think of making a shipment there. Would you ship your commerce there merely to surrender so much property into the grasp of the Emperor? It would be the extreme of folly. Where, then, will you protect your commerce? To the Baltic, sir? You can carry on in that quarter no commerce at all interesting to the great body of the American people. In what does your export to that region consist? In articles of colonial produce; not in articles the produce of your soil. Will you tax the great agricultural community for the purpose of protecting this extraneous commerce? I ask if the people of the West, of the Atlantic, of the Middle States, or any other portion of the American people, will be content to be taxed to support a navy for the protection of a commerce in foreign produce, by which but few individuals in the nation can be benefited? There is no commerce to protect, unless it be that which exchanges specie for the production of the East Indies, and benefits no part of the community. Having no valuable commerce now to protect, the object of adding vessels to your navy, must be to fight your battles at sea.

If you would propose a navy as a means of carrying on war, bend your resources to that object. We have been told that the trident of

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Neptune is passing into our hands. But, sir, the sovereignty of the ocean is not to be acquired by four ships-of-the-line and five or six frigates. You can have no legitimate object in building such vessels as proposed, unless it be to carry on the war. If that be your object, make your means commensurate to the end you have in view.

Do you yet contend that the object is to protect commerce? Your commerce is not worth the cost. And who would pay it? The merchants? No, sir. They will pay only their proportion. I recollect, when a boy, to have seen a little book, in which I admired the pictures more than the reading, in which were the representations of a king, a priest, a soldier, and a farmer; a label issuing from the mouth of each contained these words: The king says, "I govern all;" the priest, "I pray for all;" the soldier, "I fight for all;" and the farmer, "I pay for all." This, sir, is perfectly true as regards the American farmers—they pay for all. And what advantage do they derive from it? What advantage are my constituents to derive from the expenditure of this money?

THURSDAY, December 17.

*Increase of the Navy.*

The House again resolved itself into a Committee of the Whole on the bill to increase the Navy of the United States.

Mr. SEYBERT moved to amend the first section of the bill by striking out "four seventy-fours and," so as to erase the provision for building vessels of that description.

Mr. GOLD.—The provision in the bill to introduce ships-of-the-line into the Navy, I consider, Mr. Chairman, as fixing the great policy of a navy under this Government. Frigates we have had, but in common with petty nations; for the Barbary Powers have frigates; the provision now offered rises higher and promises something worthy of the constitution, something honorable to the Government. I rejoice, Mr. Chairman, at the favorable circumstances, and hail the auspices under which we now meet this question; we are no longer left to erring speculations, to uncertain reasoning, but have under our eyes the sure and infallible test of experience, of practice in war with a naval force. Within a few weeks our tars have thrice grappled with the enemy, and thrice have they triumphed in combat; the success has swelled the American bosom with joy from Orleans to Maine—all without exception of party, vie in demonstrations of joy and in the bestowment of honors upon the victors.

While such a scene is presented here, gloom and dissatisfaction prevail in the metropolis of Great Britain—those who have been so long accustomed to conquer, receive the capture of the *Guerriere* with as much astonishment as they would behold a suspension of the laws of nature. A strange event to Britons!

How often, sir, has it been echoed and re-

echoed within these walls, that it would be in vain to attempt any thing with a navy against Great Britain, unless we could bring ship to ship and man to man—could equal our enemy on the ocean. How much mistaken have gentlemen been; how vain is human reason! The earliest stage of the first war under the Government has yielded a clear, full, and incontestable refutation of the argument. While the American arms have suffered disgrace upon disgrace on what was deemed the natural and proper theatre for the display of our power; while by land all is gloomy and comfortless, and the heart sickens under the past, our little Navy, a handful of men, has nobly sustained us upon the ocean, and banished that despondency which our disasters by land must have otherwise produced.

If, sir, under such auspices, such overwhelming evidence of the efficiency of a navy, this question is to be put by, I shall despair of a navy; we may rank with Algiers in a force of frigates, but shall do nothing worthy of a community of eight millions of souls, placed by Heaven in a situation most favorable to commerce and naval power.

The objections, sir, to a navy are not a little amusing. Do you move the question in peace, it is objected, that commerce flourishes and you want not protection; at another time it is said not to be worth the expense of a navy, and lastly a navy will draw America into the European vortex and involve us in a war. Now that we are in war, a new book of logic is opened, and it is objected, that you have not time to build a navy, the war will be over before ships can be finished. It is thus, sir, that the arguments against a navy are made to answer and refute themselves; nay, more, the argument in war is a satire and reproach to the objection in peace. "There is not now time to build a navy," reproaches us for not having passed the requisite laws at the last session.

I have always considered the great policy of a navy settled by the constitution; need I spend time to show, that no great specific power was delegated to the General Government unless it was deemed necessary; not necessary for a dormitory, but to be executed for the general protection and welfare. This was the polar star—the test and criterion that governed in the delegation of powers by the States—powers not necessary to be exercised for the general good were retained by the several States. What greatly strengthens the argument is, the power to provide a navy is not only given to the General Government, but taken away or denied to the several States. In adopting the constitution, this question was considered at rest, and a navy was deemed the necessary consequence of this power; in the Virginia Convention, where great talent and ingenuity was displayed in the debate, the point was so considered, and the objection rested on that ground; the consequence of adoption was supposed to be an unequal strengthening of the

commercial parts of the Union. So deeply impressed was President WASHINGTON with the importance of a navy, and so true to his duty and just claims of commerce for protection, that he could not consent to quit his high station in the public councils without placing on record his sentiments for the good of his country—this he did in his speech to the fourth Congress (second session) in language that well attests his wisdom and paternal care and solicitude for his country. He recommended and urged the policy of a navy in the strongest terms, and I will not believe that the parting lesson of that great and good man will be lost to his country—there is certainly too much respect for his memory to disregard his solemn advice and counsel on any subject. In this policy Mr. JEFFERSON also concurred at a period most auspicious to fair inquiry and dispassionate judgment; it was before the tempest of party arose, to obscure the great luminary of truth and blacken the political horizon.

Mr. WIDGERY.—Mr. Chairman, it will be recollected that I was last session of Congress opposed to the building of seventy-fours, until we had got more frigates. I have been rather opposed to them in the Committee of Naval Affairs, not because I was opposed to an augmentation of the Navy, but because I thought it more to the advantage of the country to build frigates and sloops of war at present; and if, hereafter, when we have sailors plenty to man the large ships with, it should be thought best to have larger ships, it may be very well to build them; but, at present, our resources are inadequate to build the seventy-fours and the ten frigates, and say eight or ten sloops of war, which are absolutely necessary for the protection of our seacoast, in order to keep off the British gun-brigs or privateers. The ships-of-the-line will not answer this purpose, when they are at sea; they must keep deep water; they cannot, with safety, follow in under the land those small vessels which annoy our coasters, and capture them all along shore. Within a few days, I have accounts of a small privateer, of eight guns, having captured twenty or thirty sail of coasting vessels. Sir, it is a sight to see a public armed ship of the United States anywhere on our shore to the eastward of Boston—a seacoast of 200 miles—when the enemy can take every thing that passes out to sea, and a country in which there are the best of ship-harbors, where they might cruise with safety, always having a harbor handy to run into. I cannot feel willing to build seventy-fours, to the exclusion of the smaller ships, of which we are so much in want at this time. If you had the money in your chest, and all ready for the building four seventy-fours, and all the timber in the yard—which you have not—still I should have doubts on my mind as to the propriety of those heavy ships. Say, if you please, that you had those ships built, could you send them to sea? I presume not, if at war with England, because she would always blockade your harbors

wherever they were; and if you sent them out, perhaps you would never have to man them again; not because our ships in single combat are not a match for hers, but, because they have more ships than they know what to do with; they would always outnumber you at sea, and they would be able to come up with and capture your four ships. But, for what purpose are you to send them out? Certainly, not to take merchantmen. They are not calculated for that purpose, unless you had more than four of them. In case you had a number sufficient to intercept their East India fleet, which, generally, are under strong convoys of heavy ships, then it might be an object to send them to sea. If you are to keep them in port, for the purpose of harbor defence, you must always keep them manned; it will be too late to man them after the enemy comes in sight. And there is, in my mind, another difficulty: In the manning these heavy ships, you will have to impress men to go on board of them, or raise the wages up to what is given in a merchant ship; because the sailors will not be willing to go on board large ships, when they have no chance for prize money. On the other hand, they will be very willing to enter on board cruising ships, such as frigates or sloops of war, in hopes of taking prizes; and you have not, at present, a sufficient number of sailors to man what smaller vessels we want. If you build frigates and sloops of war, they can be furnished without your advancing the money; the merchants will build them, and loan them to the Government. The frigates and smaller vessels can be put afloat in six months from the time they are agreed for; and your ships-of-the-line will not be finished in less than two years; and if they do not cost 80 per cent. more than they are calculated at, I will dare pay all I am worth towards them for nothing. I am willing to go for almost any number of frigates, because I know you can have them built without advancing a dollar until they are ready for service, and because I am convinced they are most for our interest. Popular opinion, I know, has great weight at times; let us not be carried off on the wings of enthusiasm; we are at present at very great expense, and we ought to act prudently with our finances, or they will soon become low. At the same time, I cannot agree with the gentleman from Kentucky, who says he is opposed to any augmentation of the Navy, and asks if you are willing to tax the planters for the building a Navy, and the protection of the merchant? Sir, will not the same reasoning apply against the maritime towns being taxed to support the army of 10,000 men in the West? Gentlemen say, stay on shore, and you will be safe. Sir, may we not, in return, say to the gentlemen who are settling the cheap lands of the interior, keep among us; go not into the Indian country; we cannot be taxed to defend you. This reasoning will apply with as much force against the interior as theirs does against the Atlantic towns. Sir, we are all one

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people, and, in order to remain so, we must be willing to defend at all points.

Mr. BASSETT spoke several times in the course of the debate. The following is the substance of the whole of his remarks: He said, on rising, that it was with no feigned diffidence that he addressed the House. I shall, said he, have credit with every one in the assertion that I am most anxious that the proposition I have made should succeed. Must I not, then, deplore the feebleness of voice, the want of force, of manner, and promptness of mind and thought, which limit me? But I shall feel compensated if the House will, in heart, join me in regretting that a cause worthy of the first of advocates has fallen into such puny hands. For the *cause*, then, will they hear me, and for their country's good will they improve each hint I may let fall, by their better judgment. It is true, sir, we have little experience—I cannot boast of naval knowledge in our land—but, yet, we are not quite deficient. Let it be remembered, that it is on the first principles that we are to decide; that we are to mark the outlines only, which depend much on general reasoning, and, in doing which, we may resort to the experience of others. I will follow (though with unequal step) the course taken by my predecessor last year, and, on the question to fill this blank, bring the whole subject before the committee. It will be assumed, as then proved, that protection is due to every national right, which cannot be estimated by pecuniary calculation, but must be tested by national ability only to defend and protect them. To the mode of effecting so desirable an object, I shall confine myself. The report has assumed it as a principle almost of instinct to oppose like to like, and so says the history of man, whom we find ever availing himself of the improvements of his assailant for self-defence. Hence has the art of war become to all nations the most interesting science, and no citizen is more estimable than he who can direct the national force with most efficiency. The importance of a naval force is amply attested on record. I will first, sir, point you to the conflicts between the rival Republics of Rome and Carthage, and ask you to remember the agency that their vessels had in them. Had the Romans confined themselves to the land, never had Carthage been destroyed. The history of Europe, from Venice to Great Britain, is too familiar to all who hear me, to require reference to particulars. It is sufficient for me to call attention to the effect of naval power, as it passed from nation to nation. What was the power of Venice and Genoa when they led the van of naval power? How quickly did the sceptre of Portugal rise, as she assumed a station on the ocean! how sink as she lost her naval preponderance! How did a navy once support the United Provinces! and how is it now the salvation of Great Britain! It is then a fact, that a naval armament gives effect to the power of a nation, as do the musket and bayonet, the cannon and the mortar. And how,

sir, is it attempted to rebut this fact? By showing a physical disability in the country to avail itself of this force? No. For then would they be rebutted by the extent of our coasts, by the materials for ship-building, (so ample,) and the known habits and genius of our countrymen, as each day is evincing. And here, sir, I wish I could follow up the beautiful figure of my friend, who, on a former occasion, showed you our continent, extending to either ocean, with the finger of Munificence pointing to the goodly heritage.

We have then these facts: that a navy is a powerful means of national operation; that our local situation is fitted for its use; and that we have the necessary materials. To which it is objected that your infant Navy must be opposed to one which has reached the full manhood of power on the ocean. I admit it. But shall we therefore abandon the ocean, yield our birthright, our goodly heritage, without a struggle? Or, shall we not rather, deducing argument from example, like the gallant Captain Hull, avoid their fleets and capture their single ships.

I am aware that habit impels some to be fearful on this subject, and the experience of the past will not convince them. With diffidence, therefore, do I refer to the efficiency of twelve ships-of-the-line and twenty frigates, as demonstrated last session. Let me ask of gentlemen who thus think, who thus feel, to examine the extent of their argument. Does it not go, not only to the abandonment of the ocean, but to the seacoast also? I shall trust to former statements for the magnitude of this sacrifice, with the observation, that abandoning the ocean involves the loss of one million four hundred thousand tons of shipping; and that in giving up the coasts, you lose a valuable portion of your soil, and some of your fairest cities. I will not dwell on the magnitude of this sacrifice, because I cannot believe that Americans will abandon any right which there is a prospect to maintain. I cannot, I admit, answer as conclusively the objection, that much time will be passed before this force can be procured; yet, I believe, that a mind which relied on that objection, might be satisfied that late preparation is better than none. Nor could a mind, so circumstanced, fail to see, that, while making preparation, you come every day nearer your object; in neglecting it, you are every day further from it, and you are, in neglecting it, blending ultimate loss with temporary sacrifice.

Mr. Chairman, is it for an infant nation, or a popular Government, to be deterred by the want of preparation? What is it that the youth has not to prepare, or when was it that a popular Government taxed itself with previous preparation? But why this argument of despair? What were your preparations for the Revolutionary war, and when made? After an army was in your country. Yet were they then made and effectually made. By the bravery of our fathers our soil was secured; on us it rests

to secure our rights on the water, common to every independent nation, and as clearly ours as they are essential to our interests. What is this argument of infancy? Had not the Navy of Great Britain a beginning? Yes. There was a time when Britain had no ship. What then? She was invaded, and more, she was conquered. At this day, her wooden walls, as they are proverbially called, are her defence and protection. Is it admitted that the British fleet secures her from attack? If so, would not a fleet secure us from attack also? But we have it not. Is it not then our duty, as guardians of the public interest, to provide this powerful, this necessary means of defence? But some are alarmed at the cost. Permit me to recur to the calculation of the last year. And first, as to the information derived from British experience, whose example may be taken as precedent on maritime subjects; at least they make a powerful argument, where they are rejected as full proof. In recurring to British estimates, it certainly was unexpected to the American eye to see the same sum charged for a soldier as for a sailor, viz: — dollars per month; and as unexpected, on investigating the British expenditures for a series of years, to find that the appropriations for the Navy are found less than those for the Army, as will be seen by reference to the *Annual Register*. In corroboration of this is our own history, as appears from the calculations made by my predecessor, of which I will avail myself.

Is it not then demonstrated by foreign and domestic experience, that a naval force is the cheapest the nation can resort to for defence and protection? Is it not also proved, that a force believed to be competent, might be obtained at a sum greatly within the means of the Government—say twelve millions of dollars—or a fourth less than the ordinary amount of revenue for a year in good times? Test this subject in another way. The cost of your Navy, twelve millions; give up the ocean, and you lose, for one item, one million four hundred thousand tons of shipping, which at fifty dollars the ton, would be worth five times the sum. Yet that would unquestionably be the least item in the account, because that would be but one loss, while that of your coasting, and other trade, would swell into a great annual amount, and be as great a sacrifice of convenience as profit. Nor is such a conclusion the less to be deprecated, because it is difficult to foresee all the evils which must result from the abandonment of one essential right of an independent nation. I know it may be said by those who view this subject differently from me, that they do not mean to abandon the ocean. It is, then, for them to show the difference between not abandoning a right, and not defending it; for I cannot believe that any gentleman will contend that the national defence shall be left to privateers. They have most justly been considered an aid to the national arm, but Heaven forbid that they should be relied on as princi-

pal. A private arm, with power to shield the nation, is what I could not contemplate without terror. I cannot believe it necessary to pursue this argument.

To return then: The force adequate to the defence of our seas would cost twelve millions. I will not say that this whole expense ought to be incurred in one year; indeed, it ought to be remarked, that of the twenty frigates, nearly eight are ready for service. Let the principle be yielded, and we can then enter on the calculation as to the portion which may be procured each year. The decision, too, would, in my judgment, be the strongest inducement to the enemy to make peace when they saw that you were progressing to a force which they could not meet. If, indeed, the force which has been named was not altogether adequate to the object of defending your own waters, you would find, having that force, that you could make any small addition that was requisite without difficulty. In reference to the opinions of others, in some measure, did the select committee determine on the number of ships, and their force, to be procured this year. Thus if the first blank be filled with four seventy-six gun ships, they cost, per estimate, \$333,000, and will require an appropriation of \$1,332,000. If the other blank be filled with six thirty-eight gun ships, which, by estimate, cost \$220,000, the requisite appropriation for them will be \$1,820,000. For the sloops of war, the last blank I have calculated at \$61,200, which would require an appropriation of \$367,200; which, with the necessary appropriation for the four frigates ordered to be rebuilt last year, viz: the Philadelphia, New York, General Greene, and Boston, will amount to \$3,500,000. This would give you four seventy-sixes and eighteen frigates, mostly of the best size. Compare the efficiency of that force with the interest of three millions and a half, the cost, and you cannot but be gratified with the result. I say, Mr. Chairman, the interest; because, though it was not in the province of the select committee to look out the ways and means, yet was it so interested as to their object, that they could but ask how was the money to be had; and they were satisfied that three millions and a half could, with facility, be loaned for navy purposes. I state this with no view to limit the ways and means, but only that until the subject is given them to provide for, the House might not be embarrassed with the difficulty of money.

With the humble hope that the views of the committee have been shown to be at least most reasonable, if not most correct, I beg leave to say a few words as to the different kinds of vessels proposed. I will not ask that the clerk should read that excellent letter from Captain Stewart, because I presume every gentleman who wishes information has read it more than once. From that and the other documents, the committee thought themselves warranted in recommending four seventy-six gun ships. In addition to the sufficient reasons offered there,



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that a large ship, with fewer men and a less cost, will be more efficient than small ones, by the table A it is most conclusively evinced, that a seventy-six, at one round, throws on the enemy four pounds fourteen ounces of ball for each man; whereas, the gunboat throws only ten ounces. I only give the extremes, that the argument may be the more readily taken. Here, too, we have the fact, that six hundred and fifty men are sufficient for a seventy-six, while four hundred and twenty are required for a frigate. The annual expense is, for the large ship, \$202,110; for the frigate, \$110,000. While in action, the larger ship is equal or superior to three frigates. To support this calculation by figures, we have the opinions of Captains Hull, Stewart, and Morris; and Mr. Hamilton says, that all the officers in service concur in the opinion; and I am told that such is the real history of naval conflicts. Mr. Hamilton mentions one, and Captain Stewart mentions another, of four French frigates attacking a British seventy-four, of which one was sunk, two taken, and the other run off.

It is cause of some exultation to me, that our naval men, where the opportunity is afforded them, give the example to prove our theory. As I am told, orders were sent from Washington in September to Captain Chauncey, then at New York, who made his preparation, took his workmen with him to the Lakes, and some days since we had the account that he had built and launched, before November was out, a frigate of twenty-six guns. The gallant Chauncey enables me to present an argument that would, could I do it justice, I am sure, have much weight. Will any gentleman regret that this twenty-six gun ship has been built, though the mastery of the Lakes has been acquired without it? Neither shall we regret the building of the seventy-sixes, though peace, which God send, should come before they are launched. There is yet one other objection too important to be passed over, though it was on a former occasion so ably canvassed. It is the difficulty of getting seamen. That difficulty exists, I do admit. Yet is not the difficulty insurmountable. Here again I avail myself of the illustrations of my friend from South Carolina.

The gentleman has again referred to the difficulty of manning your ships, and deems impressment indispensable. Sir, I admit the weakness of our nation, and lament it too. Yet I cannot believe that the hard hand of tyranny is essential to their well-being; and I regret that in an assembly of freemen, that this, the most if not the only detestable example England has set us as to a navy, should be so much relied on. Look to the fact, that in five years forty-two thousand seamen deserted from the British navy. Look to the fact, that their prisoners require to be committed to return to their own country. It is with no little pride that I call the attention of the gentleman and the committee to our gallery. Did a British gallery ever exhibit such a spectacle? No, a

seaman there is a slave, and seldom puts his foot on shore but under the guard of an officer. Let us therefore be cautious in admitting that though Great Britain has been most successful, that she owes it to the hard, to the iron hand of impressment. It would not be difficult to find in her naval institutions other principles to which the mind would delight to attribute her superiority, rather than that from which we cannot but turn in disgust.

Mr. Stow said he should not consider the motion made by the honorable gentleman from Pennsylvania (Mr. SKYBERT) as going to defeat the main object of the bill, which was a liberal increase of the navy, because he understood his intention to be to move a larger number of frigates if the clause for seventy-fours should be stricken out. The question then he should consider as simply whether it was best at present to build any ships-of-the-line, or to confine our exertions to frigates only? He said his own opinions had leaned pretty strongly to the latter side till, as a member of the Navy Committee, he had been led to a more careful examination of the subject; and he confessed that that examination had fully convinced him of the utility, and he might say necessity, of building some line-of-battle ships. The propriety of building them, as well as a proportion of lighter ships, grew out of the different objects to which they were to be applied. There could be no doubt of the superior advantages of frigates and sloops of war when employed in cruising against our enemy's commerce, but whenever the object is to repel a powerful force, ships-of-the-line ought to be resorted to. They form batteries infinitely more effective in proportion to their expense than frigates. To illustrate this—the cost of a seventy-four is less than one-third more than that of a forty-four gun frigate, yet the force is as three to one, or according to the lowest estimate I have heard, as two to one. This is easily explained when we consider that to make a seventy-four is little more than adding another deck to a large frigate. It would then appear evident, that unless we resorted to this kind of force, we should fight our enemy on the most unequal terms. She could at any time lay a few heavy ships at the mouths of our harbors and in our narrow waters, and thus effectually destroy not only our foreign trade, but what was of infinitely more importance, she could destroy the whole of our coasting trade.

Further, said Mr. S., knowing that we have no powerful ships, she can easily protect by convoy all her valuable fleets; but if we had four ships-of-the-line she would be driven to the enormous expense of convoying every fleet of merchantmen sailing to any part of America by five or six seventy-fours, or they would be exposed to capture by our fleet.

But, said Mr. S., it is objected that they would be blockaded. This objection was equally against frigates; but he was perfectly willing to put it upon that ground, that Great Britain would attempt to blockade them. What then would be

the case? She must employ six blockading ships, supported at an enormous expense, at such a distance; and as had been fully shown by the gentleman from South Carolina, (Mr. CHEVES,) last year, six more ships at least must be occupied in preparing and sailing to replace the first six—thus employing twelve ships to four. And after all, the attempt to confine our ships would frequently be rendered abortive by storms. Again, it has been objected that we had no harbors south of Montauk Point, in which, if pursued, our ships could take shelter. If by this was meant barely that we had no harbor properly fortified, he admitted it was true; and it was also equally true as applied to our heavy frigates; but if it was meant that there was no harbor in which ships could enter that was capable of being properly defended, it was entirely erroneous. For many such there were, and where sufficient works could be erected in a few months.

Mr. S. said a strong reason for building seventy-fours, and to which he particularly requested the attention of the committee, grew out of the state of our preparation. We have timber for four seventy-fours, seasoned and ready for use, which could not be applied to frigates, without great loss. And this explained the fact, that we could build seventy-fours sooner than frigates, unless the timber thus provided should be cut up, which, after years of deliberate preparation for seventy-fours, would appear like children's play. He said in a case of this kind, he thought great respect was due to experience. That many years ago all the ships of war belonging to the nations of Europe were small, but that, without one exception, they had resorted to a certain proportion of heavy ships. From this circumstance, as well as from the uniform opinion of our own officers, he inferred that these were the most conclusive reasons in favor of them.

The question was then taken on the motion to strike out the seventy-fours, and negatived. The committee rose and had leave to sit again.

FRIDAY, December 18.

*Increase of the Navy.*

The House again resolved itself into a Committee of the Whole on the bill to increase the Navy of the United States.

Mr. CURTIS then moved to strike out the seventy-fours, with a view to increase the number of frigates to be built to ten, and to add a number of sloops of war.

Mr. O. spoke at considerable length in support of his motion, and in favor of frigates and sloops of war in preference to seventy-four gun ships.

The question was then taken on striking out the provision respecting seventy-fours, and was carried—for the amendment 56, against it 58.

Mr. CURTIS moved an amendment authorizing the building of ten ships of war, of forty-four

guns, and ten sloops of war.—Motion lost by a great majority.

MONDAY, December 21.

On motion of Mr. BASSETT, the petitions of J. A. Chevallie, attorney of Amelie Eugene de Beaumarchais, presented on the 24th of December, 1806; and 2d of April, 1806, together with all the documents concerning the said claim, were referred to the Committee of Claims.

*Encouragement to Privateering by Public Armed and Private Armed Vessels.*

Mr. BASSETT, from the Committee on the Naval Establishment, presented a bill relating to captures; which was read twice, and committed to a Committee of the Whole on Wednesday next. The bill is as follows:

A Bill relating to captures.

*Be it enacted, &c.,* That where any ship or vessel in the service of the United States shall have captured, or may hereafter capture, a ship or vessel belonging to an enemy, of equal or inferior force, and it shall become necessary to destroy such prize to prevent her falling into the hands of the enemy, or for the security of such ship or vessel so in the service of the United States, the Secretary of the Navy is hereby required to issue his commission to one or more fit person or persons, who, on the best evidence that can be procured, shall proceed to estimate the value of such ship or vessel, prize as aforesaid, in the port into which the capturing vessel shall first enter, and make return on oath of said estimate or valuation to the Secretary of the Navy.

SEC. 2. *And be it further enacted,* That the Secretary of the Navy shall thereon proceed to apportion the sum, which shall be equal to one-half the said valuation or estimate, as prize money, among the officers and crew making such capture, and cause the same to be paid to them accordingly.

SEC. 3. *And be it further enacted,* That each commissioned officer shall receive six dollars per day for each day he shall be employed in making the aforesaid estimate: *Provided,* His compensation shall in no case exceed — dollars.

SEC. 4. *And be it further enacted,* That every captain or commanding officer of any vessel in the service of the United States immediately on his coming into port, after having captured a ship or vessel of equal or superior force, shall make report thereof to the Secretary of the Navy, describing particularly the size and equipment of the ship or vessel so destroyed, and the nature and extent of the damage done her in the action, as also the causes and inducements for destroying his prize, which report, in part, shall be received as evidence by the commissionen aforesaid.

SEC. 5. *And be it further enacted,* That the Secretary of the Navy shall cause the account of the money so by him ordered to be paid, to be settled at the end of one year, and all the unclaimed dividends he shall cause to be paid over to the Navy Hospital Fund.

Mr. BASSETT, from the same committee, also presented a bill regulating pensions to persons on board private armed ships; which was read twice, and committed to a Committee of the

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*Duties on Privateer Prize Goods.*

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Whole on Thursday next. The bill is as follows:

A Bill regulating pensions to persons on board private armed ships.

*Be it enacted, &c.,* That the two and a half per centum reserved in the hands of the collectors and consuls by the act of June, eighteen hundred and twelve, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid into the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes of this act, and such other purposes as Congress may direct, for the aid and comfort of the seamen of the United States.

SEC. 2. *And be it further enacted,* That the Secretary of the Navy be authorized and required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer or seamen who, on board of any private armed ship or vessel, bearing a commission or letter of marque, shall have been, in the line of duty, wounded or otherwise disabled; if an officer, allowing him one-half his monthly pay for the greater disability, and so in proportion; and if a seaman, or acting as a marine, the sum of six dollars per month for the greater disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided.

SEC. 3. *And be it further enacted,* That the commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seamen who, during his cruise, shall, in the line of his duty, have been wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

SEC. 4. *And be it further enacted,* That every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as they give a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

#### *Duties on Privateer Prize Goods.*

Mr. CHEVES, from the Committee of Ways and Means, to whom was referred the bill from the Senate directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, reported the same with amendments, the principal one of which is to strike out the words "and the dependencies thereof," so as to exclude from the operation of the bill, the cases of goods brought in from Canada, &c.—The bill was referred to a Committee of the Whole.

Mr. C. also introduced the following report:

The Committee of Ways and Means, to whom were referred so much of the petition of the owners and agents of sundry private armed vessels fitted out of the port of New York, as prays the reduction of the duties on prize goods, and the petitions of sundry owners of private armed vessels fitted out of the port of Boston, and of sundry owners of like vessels fitted out of the ports of Norfolk and Portsmouth, Virginia, also praying a reduction of the duties on prize goods, report:

That a letter from John Ferguson and John L. Laurence, agents for the petitioners from New York,

and a letter from the Secretary of the Treasury, both addressed to the chairman of the committee, and which accompany this report, contain all the facts and views which will probably be found material in the examination and consideration of this subject; and that this committee, having maturely considered them, are of opinion, that a reduction of the duties on prize goods, without embracing, at the same time, all importations made in the prosecution of the ordinary commerce of the country, cannot, consistently with sound policy and rational legislation, be made, and that a general reduction would diminish a revenue, where it does not distress the consumer, and would not produce any material increase of gain to the captors. The committee, therefore, recommend the following resolve:

*Resolved,* That it is inexpedient to grant the prayer of the petitioners.

*Documents referred to in the above report.*

WASHINGTON, Nov. 23, 1812.

SIR: We take the liberty of enclosing to you, for the inspection of the Committee of Ways and Means, sundry papers connected with the application by the owners of privateers in New York, for a reduction of duties on prize goods. They are as follow:

No. 1, exhibits the proceeds of the schooner *Venus* and cargo, captured by the privateer *Teazer*.

No. 2, is a statement of the cost of the privateers General Armstrong and Governor Tompkins.

No. 3, contains extracts of letters from several privateer agents.

The Committee of Ways and Means are (including the accompanying documents) in possession of three statements of prize sales, where the property was, in each case, of a different character from the others. The cargo of the *New Liverpool* consisted (contrary to our impressions when before the committee) altogether of wine, amounting to 27,959 gallons, whereon the duty was 46 cents per gallon, which consumed more than one-half of the proceeds of vessel and cargo, and, connected with the other charges, left the owners of the privateer about one-sixth of the captured property. The *Industry* was laden with 152 bbls. salmon; and the benevolent intentions of the privateersmen to restore to an indigent owner the amount of her loss, terminated, in consequence of the high duties and charges, in an inability to present her with more than a paltry sum, scarcely worth her acceptance. The *Venus* had a cargo of rum, sugar, fruit, and preserves, which produced \$17,637 68, and was charged with duties amounting to \$8,287 68. The vessel, being well calculated for a privateer, was bought in by the captors for that business. But, experience teaching them that the profits of private naval warfare are by no means equivalent to the hazard, they have abandoned that intention, and are now offering the *Venus* for sale in the public newspapers, but cannot find a purchaser.

We would respectfully suggest to the Committee of Ways and Means that great anxiety exists in New York, that Congress may give the question of a reduction of prize duties a speedy decision; which, if favorable, will revive the spirit and zeal, now expiring, with which privateering was undertaken at the commencement of the war; and, if unfavorable, will prevent those who have purchased vessels for warlike enterprises, in which they cannot now dispose of any interest, from incurring losses accumulated under fruitless expectations.

We have taken the liberty of reminding the com-

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*Imprisonment of American Seamen.*

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mittee that no naval force of any efficiency can be supported by the Government but at an expense far greater than the amount of the duties of which we pray the remission; and that there is probably no other species of naval armament half so destructive as privateers to the commerce of an enemy.

The employment of a great number of experienced masters of vessels and seamen necessarily engaged in them, whose services could not probably be obtained in any other way, and whose skill and intrepidity produce so much honor to the country, forms another important consideration.

To these may be added, that, in no other way, can the mercantile interest be so effectually united in the support and prosecution of the war, as by offering inducements to the investments of its otherwise unemployed capital in such enterprises.

We are, sir, with great respect, your obedient servants,

JOHN FERGUSON,  
JOHN L. LAWRENCE.

Hon. L. CHEVES, *Chairman, &c.*

TUESDAY, December 22.

*Imprisonment of American Seamen.*

The SPEAKER laid before the House the following Message from the PRESIDENT OF THE UNITED STATES:

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 9th instant. JAMES MADISON.

DECEMBER 21, 1812.

DEPARTMENT OF STATE, Dec. 19, 1812.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th instant, requesting information touching the conduct of British officers towards persons taken in American armed ships, has the honor to lay before the President the accompanying papers marked A, B, C, from which it appears, that certain persons, some of whom are said to be native, and others naturalized citizens of the United States, being parts of the crews of the United States armed vessels the "Nautilus" and the "Wasp," and of the private armed vessel the "Sarah Ann," have been seized, under the pretext of their being British subjects, by British officers, for the avowed purpose, as is understood, of having them brought to trial for their lives, and that others, being part of the crew of the Nautilus, have been taken into the British service.

The Secretary of State begs leave also to lay before the President the papers marked D and E. From these it will be seen, that whilst the British naval officers arrest as criminals such persons taken on board American armed vessels as they may consider British subjects, they claim a right to retain on Board British ships of war American citizens who may have married in England, or been impressed from on board British merchant vessels; and that they consider an impressed American, when he is discharged from one of their ships, as a prisoner of war. All which is respectfully submitted.

JAMES MONROE.

(A.)

*Sir John Borlase Warren to Mr. Monroe.*

HALIFAX, September 30, 1812.

SIR: Having received information that a most un-

authorized act has been committed by Commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the *Guerriere*, and taking them out of the English cartel brig *Endeavor* on her passage down the harbor of Boston, after they had been regularly embarked on board of her for an exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen so seized, are now detained on board the United States frigate President as hostages; I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of any officer should involve consequences so particularly severe as the present instance must naturally produce, if repeated; and although it is very much my wish, during the continuance of the differences existing between the two countries, to adopt every measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country would, in the event of such grievances as I have already stated being continued, not admit of any hesitation in retaliatory decisions; but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be, with the highest consideration, sir, your most obedient and most faithful humble servant,

JOHN BORLASE WARREN,

*Admiral of the Blue, Commander-in-Chief, &c.*

JAMES MONROE, Esq., *Secretary of State.*

*Mr. Monroe to Sir John Borlase Warren.*

DEPARTMENT OF STATE, Oct. 28, 1812.

SIR: I have had the honor to receive your letter of the 30th September, complaining that Commodore Rodgers, commanding a squadron of the United States Navy at the port of Boston, had taken twelve British seamen, lately belonging to His Britannic Majesty's ship the *Guerriere*, from a cartel in the harbor of Boston, and that he had detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you, that inquiry shall be made into the circumstances attending, and the causes which produced the act, of which you complain; and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the President to see (and to promote, so far as depends on the United States) that the war which exists between the two countries be conducted with the utmost regard to humanity. I have the honor to be, &c.,

JAMES MONROE.

SIR JOHN B. WARREN, *Admiral of the Blue, Commander-in-Chief, &c.*

(B.)

WASHINGTON, Dec. 17, 1812.

SIR: I have the honor to annex a list of twelve of the crew of the late United States sloop of war *Wasp*,

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detained by Captain John Beresford, of the British ship *Poictiers*, under the pretence of their being British subjects.

I have the honor to be, respectfully, sir, your obedient servant,  
GEORGE S. WISE, *Purser*.

HON. PAUL HAMILTON, *Sec'y Navy*.

[Here follow several other documents, not deemed of material importance, except the following:]

(C.)

*Extract of a letter from Major General Pinckney to the Secretary of War, dated*

HEADQUARTERS, CHARLESTON,

November 4, 1812.

"Information having been given upon oath to Lieutenant Grandison, who at present commands in the Naval Department here, that six American seamen, who had been taken prisoners on board of our privateers, had been sent to Jamaica to be tried as British subjects for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the Department of State, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the President shall be known. The testimony of Captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the President's pleasure on this subject communicated to the marshal."

The Message and documents were, on motion, referred to the Committee on Foreign Relations.

WEDNESDAY, December 23.

Another member, to wit, from Louisiana, THOMAS BOLLING ROBERTSON, appeared, produced his credentials, was qualified, and took his seat.

*Increase of the Navy.*

The bill from the Senate to increase the Navy of the United States, was read a third time; and the question being stated, "Shall the bill pass?"

Mr. McKEE spoke at considerable length against its passage, and concluded by moving to postpone it to Monday, with a view to obtaining further information on the subject of the materials, &c.

The motion to postpone was supported by J. ALSTON and Mr. SEYBERT, and opposed by F. MILNOR, Mr. BASSETT, and Mr. WIDGERT. He votes were for postponement 51, against 73.

So the motion was lost.

The question recurring on the passage of the bill,

Mr. POTTER said, as he represented a commercial State, and his constituents at present were very anxious for a navy, he felt it his duty to sign his reasons for the vote he was about to give. He said, when he saw his political friends, the only one exception, in favor of the bill under consideration, and the anxious solicitude the gentleman on the other side of the House

for its fate, he felt himself much embarrassed; but while he was by his feelings at times almost impelled to vote in its favor, his judgment compelled him to vote against it.

Mr. P. said his objections to a navy were that it would cost more than ever it would be worth to the nation; that we could not build, man, and support the ships contemplated, in addition to our present establishment, without resorting to the same means for their support as other maritime nations had done; that it must be supported by impression or oppression; we must either impress our citizens to man our Navy, and compel them to serve against their wills for almost nothing, or oppress the nation with taxes not to be endured, to enable the Government to give such wages as would induce our seamen to enter voluntarily into our service. He said it had been observed by the friends of the bill, and particularly by his friend from Pennsylvania, (Mr. MILNOR,) that the Navy was at this time very popular with all parties, in this House and the nation; that they had done honor to themselves and to their country, while our army had, in almost every instance, been defeated and disgraced. Mr. P. said we had been very unfortunate in the selection of some of our commanding officers, who had, as it would seem, been appointed more because they wanted office, than because they were qualified for it; some of them were too old, and others too young; but he believed we had as good officers in our Army as we had in the Navy, and whenever the time should arrive that would afford them a fair opportunity, that they would equally distinguish themselves.

Mr. P. said there was a kind of popular delusion at this time about a Navy, that he found difficult to oppose. He said it was at least popular with all those who expected to make money out of it, and with many from the most honorable motives. But he believed, when the people, who were to pay all, and receive nothing, come to see that we had spent for them the last year upwards of twenty millions of dollars, and that notwithstanding all the moneys we had received, by double duties, and otherwise, that we had increased the national debt, in that year, ten millions six hundred thousand dollars, and that we want, for the expenses of the present year, agreeably to the report of the Secretary of the Treasury, \$31,925,000, exclusive of the expense of the contemplated increase of our Navy, and for losses and war contingencies—that when they should put those sums together, and apportion them to the several States, agreeably to the constitution, and see that but few individuals, and not many States, would have personal property sufficient to pay their proportions—that this delusion as to those who have eventually all this money to pay would at least vanish.

It was likewise said that the spirit of the nation demanded this increase of our Navy. He remembered very well that it was so said on a former occasion, and that the finger of Heaven

pointed to war, but it was very soon found that the finger of the people pointed to peace. It was then said, as it is now said, that we were a divided people, and it was necessary to convince foreign nations that we would support our own Government. The then Executive was addressed from all parts of the United States, with pledges of life, fortune, and sacred honor, in support of what he had done, or should do. This was intended to correct the error abroad as to our being a divided people, and for no other purpose. Its object was entirely misunderstood by the then President. He thought they were uneasy and wanted something to steady them. An army was raised, and taxes laid for their benefit;—a navy was provided which did honor to themselves and the nation, that protected our commerce, and caused our flag to be respected in every sea, in consequence of which our revenue continued to increase, notwithstanding all the depredations committed on our commerce, and the nation appeared to be prosperous and happy; but when the people were called upon to test the sincerity of their pledges and promises, by the payment of a tax of only two millions of dollars, they said they had been entirely misunderstood, that those pledges were intended to have an influence abroad, and not for the purpose of trouble at home, and that they would not pay taxes to support a navy or army; and, the first opportunity they had, they changed the Administration. If they would not then pay two millions of dollars, to support that Administration, can they be expected to pay nearly fifty millions for the support of this, for the same purposes?

Mr. P. said this Administration, during the last session of Congress, was addressed from all parts of the Union, and from many of the States in their legislative capacities, promising to support them with their lives, fortunes, and sacred honors, in common form. This perhaps was to have its influence abroad. The Administration, believing them sincere, have been induced to declare war, and are left to carry it on without money. They find that those pledges and promises cost but little, and are worth nothing; and the consequence will be, that when the people are called upon to pay those enormous expenses, the present Administration will share the same fate from them as the former did.

The gentleman from Massachusetts (Mr. CUTTS) said the expense of this Navy would swamp the present, as it had done a former Administration; that, Mr. P. said, was a business of their own, it was no concern of his; but if with their means they could not manage the affairs of the nation, with their present experience, having seen the rock on which a former Administration split, they would richly deserve it; his only object was to keep his constituents from being mired down with debt and taxes.

Many gentlemen support this bill upon the principle that this settles the question; that we are to become a great naval power, and to have

a permanent Naval Establishment; to this Mr. P. said he objected for the reasons he had assigned; he said he had found mankind much the same: give them power, and they would not only use, but abuse it—give them money, and they will spend it, and want to borrow; and, he said, if an Administration like the present, without money, without an army, or navy, would plunge this country so unprepared into a war, and continue it for the present existing cause, and extend their views of conquest to the Floridas, the Canadas, Quebec, Halifax, and Nova Scotia, whenever they should have money, an army, and ships; the next thing they would want colonies, as other nations had done, and that Bermuda and New Providence would bein our way; and we must have Jamaica to get good rum and sugar. And instead of this country enjoying peace, which is above all things the most desirable, we should be involved like other nations in perpetual war.

Mr. RANDOLPH moved to postpone the further consideration of the bill till to-morrow.—*Lost*. So the bill was passed.

#### *Medal to Commodore Preble, &c.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a report of the Secretary of the Navy, complying with their resolution of the 16th instant.

JAMES MADISON.

DECEMBER 28, 1812.

The following is the report referred to in the above Message:

NAVY DEPARTMENT, Dec. 21, 1812.

SIR: On the subject of the resolution of the honorable the House of Representatives, of the 16th instant, I have the honor to state, that, in pursuance of the resolution of Congress of the 3d March, 1805, a gold medal, emblematical of the attacks on the town, batteries and naval force, of Tripoli, by the squadron under Commodore Preble's command, was presented to Commodore Preble, in the manner stated in the enclosed letter, dated May 17, 1806: That one month's pay was allowed, "exclusive of the common allowance, to all the petty officers, seamen, and marines, of the squadron, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, in the several attacks: " That no sword has been presented to either of the commissioned officers or midshipmen, who distinguished themselves in the several attacks: And that it is not known to this Department that there ever was made by Congress a specific appropriation of \$20,000 for the purpose of carrying into effect the resolution referred to.

With respect to that part of the resolution which requests the President to cause a sword to be presented to each of the commissioned officers and midshipmen who distinguished themselves, it is presumed that the President saw what to his mind appeared difficulties of great delicacy, from the peculiar language of the resolution. By the resolution, he was requested to present swords to such only as had distinguished themselves; and all having been represented to him as having acted gloriously, he could not

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*Additional Military Force.*

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in justice draw with precision a line of discrimination. He felt, it is presumed, a repugnance to the making of a selection, which, by implication, would necessarily have cast an unmerited reproach upon all not therein included. A degradation of that kind might have greatly injured the service, and could not possibly have been grateful to the honorable feelings of the favored officers.

I have the honor to be, with the greatest respect,  
your obedient servant,  
To the PRESIDENT. PAUL HAMILTON.

NAVY DEPARTMENT, May 17, 1812.

SIR: In pursuance of the resolution of Congress of the 3d March, 1808, requesting the President of the United States to cause a gold medal to be struck, emblematical of the attacks on the town, batteries, and naval force, of Tripoli, by the squadron under your command, and to present it to you in such manner as in his opinion would be most honorable to you, the medal, which will herewith be delivered to you by Lieutenant Jones, has been struck. You will receive it, sir, as a testimony of your country's estimation of the important and honorable services rendered by you; and you will be pleased to accept an assurance of the great pleasure I have in the honor of presenting it to you.

I have the honor to be, with great respect, sir,  
your most obedient servant,  
To COM. EDWARD PREBLE. R. SMITH.

From the records of the Navy Department.

PAUL HAMILTON.

After some conversation as to the proper course for this business to take, it was referred to a select committee, to consist of seven members, to consider and report thereon.

M. QUINCY, Mr. RANDOLPH, Mr. ROANE, Mr. LACOCK, Mr. TROUP, Mr. EMOTT, and Mr. DINSMOOR, were appointed the committee.

MONDAY, December 28.

*Public Lands—Cash System and Reduction of Price.*

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, made on the second instant, respecting an extension of the time limited by law for the payment of lands purchased of the United States.

The report concludes with the following resolutions, the adoption of which the committee recommend:

"Resolved, That such part of the laws for the sale of public lands as allow a credit on part of the purchase money, be repealed; and that the price at which lands shall be offered in future shall be one dollar and twenty-five cents per acre.

"Resolved, That in future sales a portion of the public lands be offered in tracts of eighty acres.

"Resolved, That two years be given in addition to the time allowed by law to the purchasers of public lands, whose time of payment shall have or may expire on or before the first day of January, 1814, on condition that all the interest that has accrued or may accrue on or before the 18th day of March next, shall be paid at that day, and the interest that

may become due thereafter shall be paid at the day on which the time, according to existing laws, shall expire for making payment."

Considerable desultory debate took place on these propositions; but the committee rose without coming to any decision thereon, and obtained leave to sit again.

TUESDAY, December 29.

*Additional Military Force.*

The House resolved itself into a Committee of the Whole on the bill "supplementary to the act for the more perfect organization of the Army of the United States," and on the bill "in addition to the act for raising an additional military force."

The bills having been read through, a motion was made by Mr. DAVID R. WILLIAMS to fill the blanks in the first bill, for the amount of bounty, &c., and the question having been stated—

Mr. D. R. WILLIAMS said, the embarrassment which he felt on the present occasion, was not of an ordinary kind; he was so solemnly impressed with the importance of the subject before the committee, he was fearful its success might, in some degree, depend on his efforts to sustain it; and, feeling that the interest, perhaps the character of his country, might be committed by the decision, he was humbled that its cause could not by him be more ably supported. He felt, however, some confidence from the circumstance that the Military Committee was entitled to the candor of the House, because it had not presented mere fragments, to be acted on in detail, but a system on which to rest the future prosecution of the war. An explanation of its merits, from the relation in which he stood to that committee, was probably expected of him.

Without going back to the unavoidable and just causes of the war in which we were engaged, he would presume it was the object of all to terminate it successfully, and that there now remained no other mode than to call into the field a force adequate to the command of every honorable object. The force was abundant throughout the community, to secure, if directed with skill, spirit, and enterprise, our defence everywhere; and, by offence, to make the enemy feel it had become his interest to abstain from plunder and oppression.

The character of our Government had been so depressed in Europe, not more by foreign than domestic misrepresentation, as much even within these walls as without them, it had become necessary to make war to place our backs against the wall and prove to European marauders there is a point beyond which we will not recede. This good the war has accomplished; but it has become more than ever necessary to prove that we will not only declare war, but can prosecute it with energy and courageous enterprise. The honor, the character of the nation, require that the British power on our borders shall be demolished in the next campaign—her

American provinces once wrested from her, every attempt to recover them will be chimerical, except through negotiation. The road to peace then lies through Canada. When we shall once be in possession of it, peace, honorable peace, the sole object of us all, is secured. But some gentlemen affect a sympathy for the Canadians—why, say they, will you make war on them? They have not injured us. Nor, sir, has the British tar injured us, although he is the instrument of plunder and imprisonment. It is to conquer the sovereignty of the soil, to raze the British power, to reach, by such means, her profligate and unjust ministry, that war is waged at all—the unarmed will never fall on American bayonets; it is not against the people of either Canada or Great Britain, but against the English subject in arms, that the war is directed. By physical force then alone can we proceed.

Having shown the necessity of augmenting the regular forces, it was equally material to provide for filling the ranks, and for keeping them at their full complement when filled. With this view was the 1st section introduced. The greatest evil, incident to the recruiting service, results from the number of persons to whom the public money was necessarily distributed; in proportion to the number of persons with whom it is intrusted, will be its misapplication. To remedy this it is proposed to appoint officers to each regiment, for that particular purpose, in no way different from those already appointed, who shall be employed in recruiting for their respective regiments; these to be under the order of a major, who shall receive and be accountable for the issue of money and clothes for that service. The ranks filled, the presence of all the officers on the present establishment will be indispensable, as in our service the proportion of privates to the officers is greater than in any other service whatever. The new organization which was given to the Army at the last session increased the number of privates in each company, without a corresponding increase of officers. If two lieutenants were necessary in a company, for the purpose of discipline and recruiting, when it consisted of only sixty-four privates, assuredly three are as much so now it is raised to ninety. The recruits, as fast as they are enlisted, may be concentrated under the eye of the major, where they may be exercised and drilled, so that when he joins the regiment, they will be qualified to enter the ranks and face the enemy.

One other objection he could anticipate—perhaps those who can sneer at the disasters and misfortunes of the late campaign may object that there is no encouragement to vote additional forces, seeing those which have been already raised have been so illy employed. It becomes us all to be equally faithful to our country, whether her arms are victorious or not; it is in times of discomfiture that the patriot's resolution and virtues are most needed. It is no matter by what party names we are distinguished;

this is our country—we are children of the same family, and ought to be brothers in a common cause. The misfortune which befalls one portion, should sink deep in the hearts of the others also. What misfortune so great as the loss of character? If we shall forget our impatience under disgrace, and look back on the events that have passed, with only as much candor as becomes us, this objection must vanish. Under the circumstances in which it found itself, without experience, either in itself or others to guide it, Administration ought not to be censured for the bad military appointments it may have made, however much it may deserve, if it shall retain men in employ, when found incapable to discharge the duties intrusted to him. He was fearless of contradiction in declaring, all our disasters sprung from a cause which no man in the nation could have anticipated. It was next to impossible any human being could have foreseen, much less provided against it. It was with pain and reluctance he felt it his duty to speak of an officer fallen and disgraced; he wished he could discover any cause for the surrender of Detroit, less heinous than treachery or cowardice—between them he saw nothing to choose. Justice will hereafter, if party heat denies it now, pronounce the plan of the campaign, as intrusted to General Hull, easy to be accomplished and judicious in its objects. The commandant was furnished with every means necessary for success—with money, men, provisions, and munitions of war, in abundance. What better mode could have been adopted, to prevent Indian hostility and intercept British supplies of the instruments of massacre? That your army had not been protected beyond the point with which communications could have been maintained, is evident from the events which followed. What was there to mar success? The commandant at Malden needed only an apology to surrender! What if the other Hull had commanded? Every thing would have fallen before him—great science was not necessary; courage and faithfulness would have accomplished every thing. A train of heavy artillery was not required to batter a breach for the assault; it was not necessary to fire a single gun—not a cartridge need have been expended—the bayonet alone was adequate to have taken Malden at any hour from the moment the American army crossed into Canada, till its most shameful retreat. The fort was not enclosed—one entire side was open to assault. Yes, sir, had the brave Hull, who bore your “thunder on the mountain wave,” directed the valor of the army, he would have poured the storm of victory resistless on the foe. This black deed, without a battle, was consummated in the *sollicitous* surrender of the brave corps which were hastening to his relief; these, too, were arrested and thrown back on the community, leaving the whole Western frontier exposed to savage inroad. Hence all our misfortunes! After this, will it be contended that the accidental appointment of an improper agent shall



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use a refusal of the force necessary to drag our renowned honor up from the ocean of infamy into which it has been plunged? Impossible! Economy of life and treasure call for a vigorous campaign—away with lifeless expedients; miserable inertness must be banished—zeal and energy must be infused everywhere. One protracted campaign will cost twenty-fold more than the expenditure now asked for. Let this be the signal for resolution—the first evidence of energetic policy. Let us suppose ourselves saving the forlorn hope, and assume the spirit and vigor characteristic of such an enterprise—the army will feel it—the people will feel it—disaster and disgrace will then disappear. It is to save the public treasure—the people's blood; it is for the reclamation of character, I ask for high bounties and premiums; and, so asking, I hope not to be denied.

The question was then taken on filling the several blanks in the first bill, and carried.

Mr. H. CLAY congratulated the committee and the nation on the system which had been presented to their consideration, and the prospect of prosecuting the next campaign with a vigor which should insure a successful result. He rose at this time, however, to propose an amendment to the bill, the object of which was to repeal so much of former laws as authorizes a bounty of land to the recruits. He was satisfied that, as respected the nation, this was a waste of its capital, without producing a single prevalent result. As to the recruiting service, he was convinced, from what he had heard, that it added scarcely any inducement to the recruit—that it had not added a hundred men to the army. He confessed he had been much mistaken as to the effect it had been expected to produce, &c. Mr. C. added many remarks going to support his positions, stating, among other things, that the land would in the end get into the hands of speculators, and the individuals for whose benefit it was intended would derive no advantage from it. Now that it was proposed to increase the bounty in money, he thought it would be a proper occasion to repeal so much of the existing laws as allowed a bounty in land, on which the recruits set generally as much value as if it were located in the moon. Mr. C. concluded by making a motion to that effect.

Mr. TROUP and Mr. BIBB stated objections to the motion, as going to withdraw what was certainly, in many parts of the country, an inducement to enlistments, at a time when every means ought to be called into action for the purpose of filling the ranks of the army.

Mr. CLAY's motion was then agreed to by the committee.

The other bill before the committee, going to authorize the raising an additional force of twenty thousand men for one year, was then taken up, and the blanks therein severally filled.

Mr. PIERCE, adverting to the provision of the bill which gives the appointment of officers below the rank of colonel to the President alone,

inquired the reasons why, contrary to the general usage, the Senate were precluded from concurrence in these appointments?

Mr. WILLIAMS stated that the motive of the committee in proposing this provision was, to avoid the delay incidental to the minor appointments, which could be much more easily and effectually made by the colonels of the regiments, respectively, who would be personally acquainted with, and responsible for, the good conduct of those who were appointed.

Mr. TALLMADGE moved to strike out the section of the bill which directs the manner in which the company officers shall be appointed. He said he had hoped that the committee would have risen and given at least one day for consideration; that they would have maturely weighed and deliberately made up their minds on this question. It is true that, in 1798, there was a power given to the President of the United States to appoint all officers for ten thousand men under the rank of field officers; but the appointment of all field officers was retained to the President and Senate. Mr. T. said he knew how perfectly easy it was to go on step by step, and yield power till it all passed out of our hands. The argument now is a plea of urgency. What was the case in 1798? Not the same as now. Congress had been making preparations on the contingency of war. The language of the law which has been referred to is to this effect: in case of war being declared by any foreign power, or the country actually invaded, then the President shall have the power of appointing these officers. Such a provision was very different from that now proposed. Mr. T. was also opposed to this section in the bill, because he would not pass a bill going, as far as in the power of this House, to take away the power of appointment from the Senate. It was a disrespect he would not offer to them, to call upon them to ratify a law depriving themselves of a power they have uniformly possessed and exercised.

The question was taken on Mr. TALLMADGE's motion to strike out the section, and lost.

The committee rose and reported the two bills and the House adjourned.

WEDNESDAY, December 30.

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The question was then taken on engrossment of the bill for a third reading, and passed in the affirmative—yeas 70, nays 37, as follows:

YEAS.—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clapton, William Crawford, Richard Cutts, Roger Davis, Joseph Deasha, Samuel Dinsmoor, Elias Earle, William Findlay, James Fisk, Meshack Franklin, Charles Goidsborough, Isiah L. Green, Felix Grundy, Boling Hall, Obed Hall, John A. Harper, Aylett Hawes,

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John M. Hyneman, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Samuel L. Mitchell, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jr., Benjamin Pond, William M. Richardson, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thos. Sammons, John Sevier, Adam Seybert, George Smith, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, and Richard Wynn.

NAY.—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Thos. R. Gold, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph, Lewis, jr., George C. Maxwell, Archibald McBryde, Jonathan O. Mosely, Thos. Newbold, Joseph Pearson, Timothy Pitkin, jr., Eliha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

So the bill was ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the report of the Committee of the Whole on the other bill reported by the committee, entitled "A bill in addition to the act to raise an additional military force, and for other purposes"—the first section of which is as follows:

*Be it enacted, &c.,* That, in addition to the present Military Establishment of the United States, there be raised twenty regiments of infantry, to be enlisted for the term of one year, unless sooner discharged.

[The remainder of the bill is mere detail; the bounty on enlistment sixteen dollars.]

Mr. GOLD said this was a bill involving questions of great importance, as well in principle as in its details. There was one feature especially of the bill which required mature consideration; he alluded to the limited period of service of the proposed additional force. There was no pressing emergency to hurry the bill; and he, therefore, moved to postpone the further consideration of it to Monday, which was negatived.

#### *Death of Mr. Smilie.*

So soon as this decision was declared—

Mr. FINDLAY rose.—It is my melancholy duty, said he, to announce to this House that my venerable colleague and old friend and associate, JOHN SMILIE, is no more. He departed this life at two o'clock this afternoon.

A committee was then appointed to superintend the funeral of the deceased, consisting of Messrs. FINDLAY, LYLE, BROWN, ROBERTS, DAVIS, LACOCK, and HYNEMAN.

A resolution was unanimously adopted, requesting each member of the House, in testimony of their respect to the memory of JOHN

SMILIE, to wear crape on the left arm for one month.

And, on motion of Mr. FITCH, the House then adjourned.

THURSDAY, December 31.

On motion of Mr. FINDLAY,  
*Resolved, unanimously,* That the members of this House will attend the funeral of the late JOHN SMILIE, this day, at two o'clock.

*Resolved,* That a message be sent to the Senate to notify them of the death of JOHN SMILIE, late a member of this House, and that his funeral will take place at two o'clock, this day.

And then the House adjourned.

SATURDAY, January 2, 1813.

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The House resumed the consideration of the report of the Committee of the Whole on the bill in addition to the act for raising an additional military force.

The amendments made by the House having been agreed to, the question was stated, Shall the bill be engrossed, and read a third time!

Mr. MOSLEY said that, in stating concisely some of the reasons which would induce him to vote against the present bill, he should not attempt to enter into a consideration of the justice or expediency of the war, nor the policy of continuing it. War is declared, and it appears to be the determination of those who have the control of our public concerns to prosecute it with the utmost vigor; yea, sir, with a vigor that, within twelve months from the enlistment of the twenty thousand men to be raised by this bill, we are told must bring it to a successful termination. Really, Mr. Speaker, when I listened to the confident assurance of the honorable Chairman of the Military Committee, that with these twenty thousand men, in addition to the troops already raised, and voted to be raised, we should in a single campaign be able to conquer Canada, Nova Scotia, and New Brunswick, and that the object of all these conquests was to procure an honorable peace, I almost felt myself persuaded as a peace man to join the honorable gentleman in his project of fighting for peace one year, with such a certainty of obtaining it at the expiration of that period; but unfortunately I could not but recollect the fate of similar assurances made on former occasions. When we were about declaring war, I very well remember that we were told with equal confidence by gentlemen anxious to engage in it (and who would listen to no arguments, even for delay, against the measure) that we had only to declare war, and Canada would, in the course of a few months, at most, be ours; that the militia alone, with the aid of a very few regulars, would be competent to the conquest of the whole country, except the fortress of Quebec; and that that must very soon fall of course. An honorable gentleman from Vermont (Mr. Fessenden)

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informed us that the people of those Provinces would almost conquer themselves; that they were at least pre-disposed to be conquered—to use his own expression, that they were “panting” to participate in our liberty.

Experience has now proved the fallacy of these predictions. Gentlemen must now be convinced that Canada is not to be conquered quite so easily as they had imagined—that it is not to be subdued with a few thousand militia, regulars, or volunteers, though aided by proclamations. I mention proclamations, because they seem to be considered as an indispensable auxiliary on all great emergencies. What can be done by proclamation, I will readily concede we are competent to do. No nation, I believe, ever arrived at greater perfection in the art of proclamation-making than we have done; and if history is faithful to record them, we shall in this particular at least bear the palm from all the world.

Sir, it can afford pleasure to no man, who feels as he ought for the honor and interest of his country, to dwell unnecessarily upon the disasters and disgrace which have everywhere attended our military operations from the commencement of the war to the present time. I mean upon land; for to our little Navy too much praise cannot be given. Our gallant seamen have not only afforded to their countrymen examples of valor worthy of imitation, but they have also taught us a lesson of wisdom, by which I am happy to find we have manifested a disposition to profit. But, sir, while gentlemen must feel mortified at the miserable termination of all our boasted military exploits thus far, and might wish to draw a veil over the disgraceful scenes which have taken place, it cannot be done; it would be unwise to attempt it. We ought rather to look at the causes which have produced our misfortunes, and pursue a course in future which may not expose us to similar evils.

Mr. GOLD said the annals of this Government, the last six months, commencing with the declaration of war, would be found the most interesting, the most deplorable.

In that period, we have seen a war declared, precipitately and prematurely; for, notwithstanding all the arguments urged on that occasion, with so much zeal and eloquence, time has dissipated all; the illusion has vanished; your army, so confidently expected, did not, under the magic of that declaration, spring into existence; the condition of your enlistments would not, I apprehend, at this hour, justify the declaration of war. We have seen, sir, that war conducted in a manner well to comport with the spirit in which it was declared; disaster upon disaster in rapid succession have followed; the tone and heart of the country broken; universal disgust at the past, and deep concern and anxiety for the future, prevail everywhere.

And what, Mr. Speaker, is now proposed for the future—what is to retrieve our affairs—on what are our hopes to rest? An army of twelve-months' men! A broken reed! An army and

term of service, which well nigh lost the country in the Revolutionary war; an army which in every step and stage of that war received the uniform and reiterated censure and condemnation of Washington, and every intelligent officer of that period; an army that stands recorded by every historian of that war with deep reproach and reprobation. Such is the foundation of our future hopes; shutting our eyes upon the lessons of experience, we live but to repeat former errors and renew our sufferings. Shall we never learn, that a soldier is not the creature of an hour; that he must be seasoned to the hardships of war; that to remove your recruit from his fireside, from his plentiful board, and all the comforts with which he is surrounded, to the theatre of service, there to sleep on the ground in tents, with two or three articles of subsistence only, is to give him up a victim to disease, to consign him to the grave? This precise result is presented to the mind by the melancholy review of the last campaign; disease and death have walked abroad in our armies on the frontier; they have been swept to the grave as by the besom of destruction. It has not stopped with your army; the frontier inhabitants, infected by the diseases of the camp, fly from the deadly theatre as from a destroying angel! Shall we never learn the difference between our situation, and that of nations who have a competent military establishment, sufficient at all times for both offensive and defensive operations?

The slender Military Establishment of the United States, whilst it consults economy, and favors the genius of the Government, forbids a hasty resort to war, especially extra-territorial and offensive war; time for preparation, after the measure is resolved on, is indispensable; and a disregard of our situation in this respect cannot fail to induce defeat and disaster—to produce such a campaign as has just now closed.

But, Mr. Speaker, wherefore change the term of enlistment, from five years, or during the war, to one year? The sole avowed object of the war by land was the conquest of the Canadas. Are you at this hour nearer your object than on the day you declared war, or has that object, with a steady and sure pace, constantly receded from you as you have advanced in the war? Is Canada so far conquered that you can now reduce the term of enlistment? It is impossible to shut our eyes on the past; while all is disgust and despondency with our own citizens—sick of the past, and concerned for the future; while every post brings to the Cabinet fearful and alarming changes in the sentiments of the people under this ill-fated war; your enemy, the Canadians, take courage, their wavering sentiments have become resolved, and union in defence of their firesides, the land that gives them bread, is spreading and cementing all in the patriotic vow.

There was a time, sir, when you had friends in the Upper Province; there were many who wished well to your arms, and would have

greeted your approach, but that ill-fated policy which precipitated every thing, which in zeal for the end overlooked the means, has blasted all our hopes from that quarter. The Canadian, while he knows your power, distrusts your wisdom and your capacity to conduct the war; he dares not commit himself, his all, to such auspices. Hence, sir, difficulties thicken on every side, and at least three times the force is now necessary to effect the conquest, which would have been required at the commencement of the war. Have we made an impression on the Prince Regent and his Ministry? are they now more disposed to succumb and accept your terms than before the war? How stand the people of the British Empire? Instead of their coercing the Government into our terms, which we fondly anticipated, the late election to Parliament shows them disposed to go hand in hand with the Government in resisting our claims and inflicting on us all the evils of war. "Maritime Rights" are echoed and re-echoed with applause throughout the Empire. Such, sir, are the bitter fruits of your policy, and to what farther point the same hand shall conduct the destinies of the country, remains to be seen.

I seek not to aggravate the misconduct of the war, nor to commend our enemies, but only wish, sir, that we may see things as they are, our actual situation, and thus look danger in the face. Do you persevere in the conquest of Canada? Pass not the barrier with an army of less than forty-five or fifty thousand men: if you do, in my apprehension, the defeats and disasters of the past campaign will be visited upon you; another army will be made to pass under the yoke, and at the end of the year, you will find yourself still further removed from your object. The tug of war is now placed fairly before us, we cannot advance without meeting it. Such, Mr. Speaker, are the grounds on which I object to this twelve-months' army; it is not adapted to the professed object of the war, the conquest of Canada. Is there, sir, any other object in contemplation of the Government; any other land of leeks and onions, which Heaven has given us, or to which our destinies lead? Is the South of easier access than the North, and is the circle of hostility to be extended to that quarter? We profess a pacific policy; moderation and justice are our boast; let us beware how we commit to the hazard this high and enviable character; how we yield, on specious grounds, to the mad and destructive policy which we reprobate in others; a policy which has in all periods overwhelmed nations with calamity, and swelled the tide of human misery.

I fear there are points in our neutral course, in our relative conduct towards Great Britain and France which will not bear examination. You proclaimed the Berlin and Milan decrees revoked, and put upon Great Britain the threatened alternative of non-intercourse. Was the fact so? You took a promise for the fact; you proclaimed the fact, while France herself,

the author of the deed and party to be benefited, denies and disowns it as done at the time. Here was a fatal error, a departure from the straight line of justice; and when our error in this was palpable to all the world, we gave no explanation, no excuse, but persevered in a measure which led to war. It is this course, sir, this departure from even-handed neutrality between Great Britain and France, that has lost you the support of your own citizens to a great and alarming extent, and at this moment sustains the British Ministry in the hearts of Englishmen. It is this belief of our Government's leaning to France, that has carried that Ministry so triumphantly through the late elections to Parliament.

If any thing could add to the gloom and sicken the mind under the prospect before us, it is the inauspicious conjunction of events. America and France both making war at the same time on Great Britain; we making the enemy of France our enemy, and this at the ill-fated moment when the all-grasping Emperor of that country is rolling a baleful cloud, charged with destruction, north upon the Russian Empire; upon a power always just to America; upon our truest and best friend in the European theatre. Against such a friend, at such a period, we have beheld the march of the Corsican through rivers of blood; his footsteps are traced over the ashes of the proudest cities, and he sits himself down, at length, at Moscow, like Marins over the ruins of Carthage.

The question was then taken on Mr. CLAY's motion, and negatived.

Mr. MAOON moved to strike out one, and insert five years as the term of enlistment. He regretted as much as any one the disasters which had befallen the country; and there was but one way to obviate their effects, and that was by rising superior to them, as a part of the nation had already done—he meant the Western country, where a patriotism had been exhibited equal to that which might have distinguished Rome in its best days. Their zeal was equal to their bravery—and the only drawback on their enterprise was the difficulty of finding something to eat in the wilderness. We must rise after reverses. What, sir, said Mr. M., would have become of Rome, had she desponded when Hannibal defeated her armies? She rose upon it and became the mistress of the world. What would have been the situation of our cause in the Revolution, if, after the British successes in Jersey, we had desponded? But the men of Pennsylvania and New Jersey rose on it, and victory and triumph followed. Our object now ought to be to recover the ground we have lost, and meet the enemy with troops that will insure success. We are told, sir, this war has united England to a man. Sir, I never expected aid from our enemies. Let us follow so good an example, and unite to a man; let us remember the old Continental maxim—"United we stand, divided we fall." If we were as united in defence of our rights, as England is in her

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surpations, this war would not last a single campaign—and I hope in this respect we shall, at least, learn wisdom from an enemy. The calculations about one or two campaigns, however, in present circumstances, are visionary. We have engaged an enemy not in the habit of yielding very soon. But, if we were to unite, the question would soon be settled. The cause and object of this war has been more concisely stated by one of those actively engaged in it, than by any other person—I mean Captain Porser's motto—"Free trade and sailors' rights;" no man could have given a better definition of it. It appears to me that one part of this continent ought to be zealous for the rights of seamen—another part for a free export trade; and, if we were, as we ought to be, united, the war would be carried on with energy and with success. I agree with the gentleman from New Jersey, that this thing is not to be done by paper men. My opinion is, that the best thing we can do, is to raise men for five years. Let the Legislature of the country do its duty. If the thirty-five thousand men, now authorized, are not enough, let us get as many as will be adequate to the end we propose. Gentlemen have thought proper to review former transactions. I would be willing to pass them over. I believe almost every measure adopted by the Federal Government would have had its designed effect if adhered to. You have always got the better of the argument; you have better proclamations; but what avails all this? Britain has impressed your seamen, and given you blows for good words. You have been heretofore told your paper measures were worth nothing: now that it is proposed to give blow for blow, what is said? That you are departing from the pacific system, which the same persons before reprobated, and to which they have become friendly only after every attempt at pacification has failed. Sir, we are now engaged in war, and we must succeed or we must yield the rights of sailors and free trade. Does any man doubt that the war is justly undertaken? Is there a man in the nation—I care not of what political sect, many as there are—who believes that the war is not undertaken on just grounds—that we had not borne with their indignities till we could have borne them no longer? After plundering your property and impressing your seamen on the ocean, their agents have been sent into this nation to sow divisions among us, who ought to be but one family. What crime has been left undone? What injury have we not suffered? Could one be added to the catalogue? It seems to me not. No man loves peace more than I do, and if it had not been for Great Britain sending her agents to our firesides, I do not know but I should have voted against the war. It seemed to me like an attempt on a man's daughter. Not content with vexing and harassing you whenever you went from home, they came here to put strife into your family. You have been told that the Prince Regent and his Min-

isters are firm. Sir, we never calculated on their receding, but on the energies and force of the nation to obtain redress, and if we had been united, we should have equalled our most sanguine expectations. Let us follow their example, and determine to maintain our national rights, as they do to maintain their usurpations on them.

Mr. M. CLAY seconded the motion of Mr. MAOON to strike out "one year" and insert "five," as the term of enlistment. He said an army ought to be seasoned before it was carried into the field. We have heard much said, observed he, about sickness in your army; much of the sickness, some time ago, at New Orleans, and much lately of the sickness at Plattsburg. Have you ever heard of an army on earth that was carried into the field before it had been seasoned in the camp? It must, to be good for any thing, be first disciplined in camp, and become inured to the mode of living and the fare of soldiers. It will take some time to season men to the change in their mode of living which must take place on going into camp. It will take a year to prepare them for the field. Without discipline they will be useless. Your seamen are brave and successful because they know what they go to sea for. Take a landsman on board a ship, and what sort of a sailor will he make? Such as the French have on board their vessels. We take no man into the Navy but who understands his business and the purpose for which he goes there, and we see the effects of it. I do not wish it understood, sir, if I vote against the bill, that I am opposed to the war. No, sir. It is a righteous war, into which I go with hand and heart. We may differ about the mode, but that is all. I speak from experience more than from any thing else. Let us raise a sufficient army to serve during the war, be it long or short. It is absurd to suppose that we shall not succeed in our enterprise against the enemy's provinces. We have the Canadas as much under our command as she has the ocean; and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or anywhere else; but I would take the whole continent from them, and ask them no favors. Her fleets cannot then rendezvous at Halifax as now, and having no place of resort in the North, cannot infest our coast as they have lately done. It is as easy to conquer them on the land as their whole navy could conquer ours on the ocean. As to coping with them at sea, we cannot do it. We can annoy them, but not meet them on the open sea. I would meet them and hurt them, however, where we can. We must take the continent from them. I wish never to see a peace till we do. God has given us the power and the means; we are to blame if we do not use them. If we get the continent, she must allow us the freedom of the sea. I hope, sir, the amendment of my friend from North Carolina, going to make this army more efficient, may be adopted.

Mr. PLEASANTS said, before the question was

taken, he wished to submit a few of the reasons why he was opposed to the amendment. The question before the House, if he correctly understood it, was not, what were the best materials of which to make an army; whether men for the war, for five years, or for twelve months; but the question was, what is the kind of force, and for what length of time can you raise an army to take the field at the earliest period? I hesitate not a moment, Mr. P. said, to declare, that if it were within the compass of our ability to raise an army for five years by voting it, I would authorize it. Not a moment should I doubt on the subject. The history of the world is strongly in favor of such an army. But we perfectly know, from the progress of the recruiting service, that we have already authorized as many men of that description as we shall probably be able to raise. This force is wanted to render the next campaign efficient. I consider the bill merely as a substitute for the volunteer system heretofore pursued. Of what materials will this army be composed? Of young men ready to volunteer their services for one year in the form of regulars; and in ninety-nine cases out of a hundred, men will enlist in this corps who would not enlist for five years, or for the war. I am sanguine in the opinion, that this measure, if now adopted, will do away the defects of the present volunteer system, and I am fully of opinion, that under it, a force may be drawn into the field ready to act efficiently in the next campaign. I am not one of those, sir, notwithstanding the accounts we have heard of our disasters, who despair of the Republic. If we turn to history we shall find that we have never engaged in any war in which we have come out better in the first campaign than we have in this. Look at the war undertaken under the auspices of Gen. Washington against the Indians. What was the history of it? We all recollect the campaign under Harmar, and its bloody scenes. The campaign under St. Clair cannot be forgotten. We then suffered defeat upon defeat, disaster upon disaster, in the course of the war, which was not terminated till the treaty of Greenville, in 1795, though it may be said to have virtually terminated by the defeat of the Indians by General Wayne, which occurred previous to the treaty. If this country be willing to go into the contest heart and hand, we shall in a very short time demonstrate to the enemy all we want to convince her of, that it is in reality her interest to be at peace with this country. I hope, sir, the motion to amend the bill will not prevail. I am perfectly convinced that the bill as it is will enable us to call a valuable force into service, and I am sanguine in the hope, that, with its aid, together with the other force we shall have, we may clear the continent of the enemy's dominion in one campaign, though I do not undertake to predict that we shall.

The question was then taken on Mr. Macon's proposed amendment, and lost.

The question recurred on the passage of the bill to a third reading.

Mr. PEARSON said, not unfrequently it happens, Mr. Speaker, both in private and political life, that men of the clearest perceptions and most correct motives, experience much difficulty and embarrassment in determining on the course best to be pursued, or the application of means best calculated to produce a given object. The object most devoutly wished for by myself, and, no doubt, equally desired by every honest and honorable man in this community, is, that my country should once more be restored to the enjoyment of peace. Under the pressure of existing circumstances, involved in a war with a powerful nation—a war now prosecuted for a doubtful, or, at least, strongly controverted question of national right—a war, the prosecution of which, so far as relates to our military operations, has everywhere, and on all occasions, been attended with disgrace, defeat, or disaster; under such circumstances, I confess, sir, I am not free from embarrassment in determining on the course demanded by genuine patriotism, or best calculated to restore the blessings of peace to the country. I rejoiced to hear the honorable Chairman of the Military Committee (Mr. D. R. WILLIAMS) declare, the other day, that his object was also peace. It must be a source of gratification to the country to learn that some of the strongest advocates for the declaration of war begin now to think and talk of peace.

The honorable gentleman, however, urges the passage of the bill under consideration, (which authorizes the enlistment of twenty thousand additional regular troops for one year; and provides for the appointment of proportionably an unusual number of officers, with all the accompanying paraphernalia of an army,) as the means best calculated to produce the end in view. Did I believe, sir, that the passage of this bill, or (what is more difficult and less likely to happen) the actual enlistment of the proposed additional force would secure to us our object, I would not only consent to give this force, but ten times the number, if it were by force alone to be obtained; but when I reflect on the special and sole cause for which it is avowed the war is now prosecuted; when I consider the relative strength, situation, and disposable force, by sea and land, of the two nations, and especially when my recollection is assailed (for we cannot, nor ought we to close our senses against such damning facts) with the heretofore scanty enlistments; the confusion and insubordination which has pervaded many parts of your army; the extraordinary expense already incurred, and the uniform disasters which have marked all your military operations, I cannot bring my mind to the belief that the force now proposed can produce any desirable effect.

Mr. Speaker: As much as I was opposed to the declaration of war, and as much as subse-

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quent events have convinced me of the correctness of the vote I gave on that momentous question, it is not my purpose on this occasion to question the policy of that unfortunate act. My mind is bent on peace; to that object my efforts are directed. The impression is strongly fixed on my understanding, that this war can be terminated with honor and advantage to this nation, without the further effusion of human blood. If so, surely no Christian will deny but justice, humanity, and sound policy demand that nothing should remain undone, on our part, to stop this career of carnage and bloodshed. I have said, sir, that it is my impression that this war can be terminated with honor and advantage to this nation, without a further appeal to arms. In stating this opinion, I do not mean to be understood as identifying the honor of the nation with the honor of those by whom the war was declared; or, in other words, I do not admit that the national honor rests solely in the hands of those who may happen to be in the Administration, or who may happen to constitute a majority in Congress. No, sir, this is an elective Government—the power and ultimate responsibility rest with the people; they cannot be dishonored unless they pertinaciously approve of unwise or wicked measures, and continue to support the authors of such measures. It is, therefore, not with me a primary consideration, in the suggestions I am about to make, how far the honor or reputation, for political wisdom, of any individuals may be affected by the adoption of the plan for peace which has occurred to my mind. I do not know that any honorable gentleman will be affected by it, should it be adopted. I hope he will not; to me it is perfectly indifferent who are in power, so that the affairs of the nation are well conducted.

Mr. Speaker: Whatever may have been the original causes for the declaration of this war, we are now taught to believe that the question in contest is reduced to a single point. The British Orders in Council were repealed on the 21st of June, three days after our declaration of war; and, of course, without a knowledge of that event, the blockade of May, 1806, had long ceased to exist. The sole avowed cause, therefore, remaining, and for which the war is now carried on, is the practice of impressment from on board our merchant vessels. This subject has for many years engaged the attention of both nations; it has been a fruitful theme of execration and declamation for almost every editor and orator of the age. Great as our cause of complaint may have been, (and I am not disposed to palliate it,) it must be admitted by all who understand the nature and true bearing of the question, that it had been subjected to much exaggeration. Permit me, sir, to remark, that notwithstanding the importance, the difficulty, and delicacy which have been justly attributed to this subject, and the unwillingness at all times manifested on the part of the British Government to abandon or

derogate from the *abstract* right of impressing her own seamen from on board neutral merchant vessels, it is very far from being certain that she has not been willing to enter into such arrangement with this Government, as would place the question of impressment on a basis both safe and honorable to this nation. By a reference to the correspondence of Messrs. Monroe and Pinkney with the British Commissioners, which preceded the treaty concluded by those gentlemen in the year 1806, but which was unfortunately rejected by the then President, it is evident that the interest of impressment was, in the opinion of those gentlemen, placed on a footing well calculated to secure our own seamen from the abuse against which we had complained, and against which it was our duty to protect them. This opinion was not only expressed in forcible and decisive language at the time of entering into the arrangement, but repeated by Mr. Monroe more than a year after, in a formal letter to the Secretary of State. The language of that gentleman, now your Secretary of State, is peculiarly emphatic, and must be within the recollection of every gentleman in this House. Without troubling the House with the reading of the documents referred to, it is sufficient for me to state, that your present Secretary of State did, in a letter addressed to Mr. Madison, dated February 28, 1808, declare "that he always believed, and did still believe, that the ground on which the interest of impressment was placed by the paper of the British Commissioners of the 8th of November, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States."

Thus, sir, as we have conclusive evidence of a disposition on the part of the British Government, at one period at least, to advance considerable length towards an adjustment of this long-contested question; and as we have no evidence that different principles and claims are now asserted from those then advanced; I think it fair to conclude, that it is still in our power to put an end to this controversy with safety to our seamen, and advantage to the nation. Instead, then, of passing this bill, and spending the blood and treasure of our countrymen in the prosecution of this war, I conceive it our duty to make an effort for the sanction of our just rights, and the restoration of peace, without a further appeal to force. It is my decided opinion that such an effort, if fairly and liberally made by this House, and the Executive branch of the Government, would not fail in producing the desired effect.

The peculiar nature of the question, which now constitutes the sole object for continuing the war; the intimation given by the Executive in the correspondence with the British Government, since the declaration of war, together with the opinions stated by Mr. Monroe and Mr. Pinkney, in their letter to the Secretary of State of January 8, 1807, all tend to confirm me in the belief, that it is the duty of

Congress to pass a law which would not only check desertions from the British service, by excluding persons of that description from employ in our service, but also deprive the British Government of the apology alleged for impressing American seamen, by excluding British subjects from the commercial and public service of the United States. Having alluded to the letter of Mr. Monroe and Mr. Pinkney of the 8d of January, 1807, I will take the liberty of reading from it a short extract. After stating the opinion they had formerly expressed, that although the British Government did not feel itself at liberty to relinquish formally, by treaty, its claim to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely, abandoned, they observe: "That opinion has since been confirmed by frequent conferences on the subject with the British Commissioners, who have repeatedly assured us that, in their judgment, we were made as secure against the exercise of their pretension by the policy which their Government had adopted, in regard to that very delicate and important question, as we could have been made by treaty. It is proper to observe, however, that the good effect of this disposition, and its continuance, may depend, in a great measure, on the means which may be taken hereafter by the Congress to check desertions from the British service. If the treaty is ratified, and a perfect good understanding is produced by it between the two countries, it will be easy for their Governments, by friendly communications, to state to each other what they respectively desire, and in that mode to arrange the business as satisfactorily as it could be done by treaty."

Thus, sir, had the treaty of 1806 been ratified and a good understanding been produced between the two countries, Congress were warned, even in that event, that it was their duty to lend their aid in rendering effectual and perpetual any arrangement which might be made on this subject of impressment. As to the late communications from the Executive department, made to the British Government, since the declaration of war, it is not my intention at this time to enter into a particular examination of their merit or demerit. I will barely remark, that to me they present a novelty in the history of war and diplomacy. Propositions, alleged to be of a pacific nature, made in six days after the declaration of war! Such a procedure (much as I desire peace and much as I was opposed to the war) is to my mind, to say the least, extremely extraordinary, and its policy incomprehensible. It is the more so from the circumstance of a British Minister being on the spot at the moment of declaring the war and keeping up a continued correspondence with the Secretary of State to the last moment of the existence of peace. Under such circumstances I should conceive each nation ought to have known the *ultimatum* of the other and not waited for the form of a declaration of war,

to resume the negotiation and give a new shape to their proposition. I confess that I am not surprised at the result of this war negotiation—every thing was demanded to be yielded by our enemy, for which the war was declared, even as a preliminary in the first instance to an armistice, and in the second instance as preliminary to a negotiation. The equivalent offered on our part was of a nature which it was not within the province of the Executive to confirm, and, of course, depended on what Congress might or might not do on the subject. In addition to this, our agent in London, through whom those propositions were made, did not possess regular and competent powers, and was considered by the British Government as incompetent to act with them on such a subject on equal terms of obligation and responsibility. Whatever, therefore, may be my opinion in relation to those late propositions, and however illy calculated they may have been to produce any desirable result, I am far from considering them unworthy the particular attention of this House. I allude particularly to the equivalent proposed as an inducement for the discontinuance of the practice of impressment. Here, for the first time in the whole history of the long-protracted discussion on this subject, it is intimated that something effectual will be done on our part to prevent the cause of the abuse of which we complain—a promise is given, in the event of obtaining the concessions demanded, that a law would be passed by Congress to prohibit the employment of British seamen in the public or commercial service of the United States. This, then, is what I ask you now to do—pass a law effectually to exclude all British subjects from the public and private maritime service of the United States; let the law be well guarded against the possibility of violation or evasion; and let us be determined rigidly to enforce it; place this law in the hands of your Executive; let him immediately appoint one or more honest, able, independent commissioners; men who neither have nor expect an office; men in whom the nation, without regard to party, would be willing to confide; give them ample powers to form a treaty or arrange the sole question which is now the pivot on which this war depends. Do all this; do it faithfully, and I venture to predict you will obtain a peace, and secure your just rights more speedily, more effectually, and more satisfactorily to the people of this country, than by all the military operations in the compass of your power.

• MONDAY, JANUARY 4.

EDWARD HEMPSTEAD, returned to serve as the Delegate in this House from the Territory of Missouri, appeared, produced his credentials, was qualified, and took his seat.

*Additional Military Force.*

The House resumed the consideration of the bill for raising for one year an additional military force of twenty thousand men.



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The question was stated on the engrossment of the bill for a third reading.

Mr. BRIGHAM.—Mr. Speaker, the bill under consideration, if passed into a law, will deeply affect my constituents and the public in general. It provides for prosecuting this war on a more extensive scale—it is a kind of second declaration of war. The objects of conquest are multiplied; the field of operation is enlarged; the Army must be increased with the addition of 20,000 regular troops; and enlistments encouraged by additional bounty and wages. Sir, this is the system of arrangement to prosecute the scheme of foreign invasion. One error frequently prepares the way for another; we are now unhappily involved in the calamities of war, and the question is, how we shall prosecute and support it.

Mr. B. said he had been uniformly, and in principle, opposed to this war, and of course opposed to all the measures connected with it; that, in his opinion, this war was both politically and morally wrong; that it was declared without suitable preparation, without necessity, without an army, without adequate resources, and without unanimity; it has been prosecuted without success; we have also gained nothing but loss, defeat, and disgrace; the people are alarmed at the loss of their peace, distressed with the fruits of the war, and have serious apprehensions of what may be the future measures of Congress on this subject.

Sir, continued Mr. B., this war is of an offensive character; it is a war of conquest, totally inconsistent with the spirit and genius of our constitution, and, if prosecuted in the present divided state of the country, I fear it may be fatal to our most valuable institutions. Republics, sir, ought never to be engaged in a foreign, offensive war; they are calculated only for defensive war.

Sir, there is something unaccountable, that he disposition to prosecute this war should increase, as the causes of the war decrease, and he means and ability to carry it on lessen. The war which we now have on hand is predicated principally on the Orders in Council. The impressment of seamen, during the last session of Congress, was considered of minor importance and as a proper subject of negotiation between the two nations, and was so considered in the days of General Washington, in those of Mr. Jefferson, and why not now by Mr. Madison?

Sir, the Orders in Council which interfered with our neutral rights are revoked. The President, in his Message at the commencement of his session, declared the fact, and the war now rests solely on the subject of impressment. I do not believe that the prosecuting of this war will have a tendency to bring about an amicable and satisfactory adjustment on this subject, and at the end of the war, if it ever ceases, his question of impressment must be settled by treaty.

Sir, at this time, and under these circum-

stances, we are called on to augment our standing army to the number of 55,000 regular troops, to prosecute the war with vigor, and, as some say, for glory.

Sir, if this system of warfare is carried into effect, we shall unavoidably create an annual expense of forty millions of dollars; and where is your money to defray this expense? Why, you must take it from the pockets of our constituents, and from those who are opposed to this war; and if you fail of obtaining the necessary loans, you must stop payment; the nation will become bankrupt, and future generations will be loaded with an enormous debt.

Sir, can this be for the honor and interest of the American people; can it be for the satisfaction of our constituents; are they in love with this war? Are they prepared to barter away their property and their peace for the hazards and fatigue of a foreign war, which promises nothing but poverty and distress? It is impossible. Sir, it is said that we are now about to make one sublime military effort, which shall do honor to this nation; that with these troops we are to take, not only the Canadas, but Halifax and Nova Scotia, and, for aught I know, East Florida, follow up the Tippecanoe expedition, and exterminate the Indians. Mr. B. said that he never had known the incipient cause nor by what authority General Harrison made his incursion into the wilderness, beyond where the United States had extinguished the Indian titles, and destroyed the Prophet's town, but said that he hoped the time would come when he should know the merits of that enterprise.

Mr. B. said if the friends of this bill and of the war could accomplish their darling object, subdue and take possession of the Canadas, and all the other British provinces in North America, in his opinion it would be a great public misfortune—fatal to the civil liberties of the country, and change the character of our Government.

Sir, said Mr. B., with these impressions I deprecate the taking of the Canadas, or the other British provinces, as I do the loss of liberty and the ruin of this country. This war cannot be perpetuated and prosecuted without violating the laws of humanity and justice, the laws of religion and morality—and these laws are to be respected as well by nations as by individuals; and we have not only reason to believe, but do believe, that the God of Armies, who superintends the concerns of men, will give success to our arms, or blast our enterprise, according to its moral character. If the Canadas are subdued and conquered, it must be done by force of arms; and what have the inhabitants of those provinces been guilty of, which warrant this Government in putting them to the sword?

Sir, they are now inoffensive, and quietly pursuing their own business; they are content under their own Administration; they are protected by their own Government, and are not panting for the liberties of this country, as was

vainly supposed the last season, nor do they ask us to relieve them from the oppression of their own Government, which General Hull, in his tender mercy, promised them in his pompous proclamation, on the condition that they would revolt from their rightful Sovereign, and put themselves under his gracious protection; nor were they terrified by the threat of extermination, if found fighting in their own defence by the side of an Indian; nor were they to be seduced from their allegiance by promises which could not be performed. No, sir, nor do they ask any favor but that you cease from troubling. Sir, they will not submit, and they have told you, by their actual resistance, that they will defend themselves, their councils, their firesides, their wives, and their children, their rights and their property; and they are not to be subdued but at the price of blood. And where is your authority, where is your right to go home, invade, and break into a foreign territory, and there establish a slaughter-house for the brave sons of America; there spill your blood, and expend your treasure, destroy cities, and demolish houses, plunder the inhabitants, and waste the substance of the industrious and the innocent? Sir, there is no right but a Napoleon right, and that right is power, and not that which reason approves.

Mr. B. said that the war was becoming more and more unpopular in the Eastern States, especially in the State which he had the honor to represent; and they had, in their late elections, come forth and declared it in a voice and language which cannot be misunderstood. And whether there will be a majority in the next Congress in favor of this war was uncertain—he hoped not.

Mr. RIDGELY said he claimed the patience of the House while he assigned the reasons that would influence him to vote against the bill now under consideration. He considered the force contemplated to be raised by the bill as unnecessary. The present Military Establishment of the United States consisted of various descriptions of troops; they were the regular army, the rangers, the volunteers, and the militia. The regular army was made up of the Peace Establishment, authorized by the acts of the 16th of March, 1802, and the 12th of April, 1808, containing about 10,000 men, including officers, and of the "additional military force," which was directed to be raised by the act of the 11th January, 1812; these different establishments were incorporated by an act passed on the 26th of June last; and the present regular army of the United States, as authorized by law, consisted of twenty-five regiments of infantry, three regiments of artillery, two of light dragoons, one of riflemen, and one of light artillery, containing in all about thirty-six thousand men, including company officers and privates; of these the President might have not exceeding fifteen thousand enlisted for eighteen months, and the residue enlisted for five years, unless sooner discharged. Of the rangers, there

were seven companies by the acts of 27th January, and 1st July, 1812, and about four or five hundred men. By the act of the 6th February last, the President was authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who might offer their services to the number of fifty thousand men; their commissioned officers were to be appointed in the manner prescribed by law in the several States and Territories to which they might respectively belong, and they could only, according to the fair construction of this act, be considered as militia, liable to be called on to do military duty at any time, within two years after they were accepted by the President, and bound to continue in service one year after arriving at the place of rendezvous. By the law of the 6th of July last, the President was empowered to appoint and commission the officers of the volunteers who had or should offer their services, and to form them into battalions, squadrons, &c., and they were thus converted from militia into a species of regular force. By the act of the 10th of April last, the President was authorized to call on the several States and Territories for their respective proportions of a detachment of one hundred thousand militia; and the call has been made, I believe, on every State and Territory. The present military force, then, of the United States, as authorized by existing laws, consists of upward of one hundred and eighty-six thousand men, all of whom, when in service, are subject to the rules and articles of war. Of these, the militia can only be used in the prosecution of this war for defensive purposes; the regulars and the volunteers may be ordered to act offensively against the enemy. They may amount, as we have seen, to eighty-six thousand men; and if Canada be as weak and badly defended as gentlemen seem to suppose, and the Administration should persist in their determination to conquer it, they should, I think, be satisfied with such a force to obtain an object so easily attainable. But, sir, said Mr. B., our present Military Establishment is certainly sufficient for all purposes of defence; and I wish to see no land forces raised for any other purpose. I have no hesitation in declaring that I should lament to see Canada or any of the British provinces on this continent in our possession, or forming a part of the American Republic. They will never be worth, to this nation, in any point of view, the blood and treasure that their acquisition will cost us. It has been said by the honorable chairman of the Committee on Military Affairs, that there are now in Canada twelve thousand regular troops, and that the militia amount to six thousand. To any thing that gentleman should say, as matter of fact within his own knowledge, I should give the most implicit credit. But his estimate of the militia of Canada must be too low. His sources of information on this point must have been incorrect. The population of Canada (and when I speak of Canada, I mean

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both Upper and Lower Canada) has been variously stated, from three to five hundred thousand souls; according to no account, I believe, can it be less than three hundred thousand; and, I presume, no gentleman on this floor will say that estimate is too high. Take, then, the population of Canada to be 800,000 souls; what number of militia should this population furnish? We will take the State of New Jersey as a guide for our calculation; according to the census of 1810, the population of that State is 245,255, and its militia, by the return for the same year, 33,740, and the militia bears about the same proportion to the population in the States, generally, as it does in this State. If, then, the militia of Jersey, with its population, amounts to near thirty-four thousand, we may, I think, without danger of contradiction, estimate the militia of Canada (with a larger population) at between thirty and forty thousand; to these add the twelve thousand regular troops, and, in all probability, before we can act offensively against them in the Spring, the number of these troops will be greatly increased, and they may have an efficient force of about fifty thousand men to oppose an invading army. It ought to be recollected, also, that a generous people, contending in their own defence, are actuated by far different and more worthy motives than an army of soldiers can be who attempt their subjugation. The Canadians will contend for their homes, their wives, their children; for every thing that can or that ought to be dear to the human heart. They will be excited in such a cause to the boldest deeds. Instead of traitors, we shall find them true to their country and themselves, and able and ready to exert all their energies in their own defence. If we conquer them, it must be by great exertions, and with immense loss. To subdue a people acting under the impulse of such considerations as will operate on them, will require a force at least double to that which they can oppose to us. But can any man imagine that, if we invade the British colonies, the war will be there? Will the pride of Britain, powerful as she is at sea, and ready at any moment to meet every emergency, permit her tamely to look on and see her provinces wrested from her, without exerting herself with all her energies for their security? Will she make no diversions in their favor? Will she suffer us to carry the war into her territories, and not retort upon us? Does an unprotected seacoast of two thousand miles afford her no opportunities of attacking us? Do our rich and flourishing cities, exposed without defence on the seaboard, to the cannon of her ships of war, furnish her with no objects worthy her attention? Will the city of New York, laid in ashes, atone for the invasion of Canada; or, will the acquisition of Canada compensate to us for the loss of New York? Sir, said Mr. R., ten Canadas, ten times told, would not be worth to this nation that single city.

But of what value would these provinces be

to us, if they could be easily acquired? Shall we, by their conquest, obtain the objects for which this war is waged? Shall we thereby secure our commercial rights? Not at all, sir. On the other hand, if the British Government would offer them to us, it would be our true policy to refuse to accept them. It is known to everybody that the population of several of the Eastern States is now full, and that great numbers of their citizens are constantly emigrating. The direction this emigration takes, it is also well known, is South and West. This surplus of population of the Eastern States settles on the banks of the Ohio and Mississippi, and carries with it its Eastern habits, and, if you please, its Eastern prejudices. They become connected and united with the people of the South and West. This union and intercourse will tend to render as the brothers of one family the citizens of this extended Empire. The prejudices of the South against the North, and the North against the South, are weakened daily and will be destroyed. The course this emigration takes is just as it should be. The currents flow from the extremities into the centre of the country. The operation is most beneficial to the nation, and tends constantly to strengthen and cement the union of the States. But if the British provinces should be conquered and become incorporated into the Republic, the direction of the emigration from the Northern and Eastern States will be at once changed. It will take a North instead of a South course. It will go just where it ought not to go. The strength of the nation, already too much scattered, will be still more weakened by a further expansion of its territory and population. The Northern and Eastern States, at present possessing more than their proper proportion of wealth, population, and strength, and having different habits, pursuits, and interests, from the Middle and Southern States, will, by the addition of these provinces, and the settlement of their surplus of population in them, acquire a weight and influence that this Union cannot control. It will exist only at their pleasure, and, in a few years, the destruction of this Government and a separation of the States will be the inevitable consequence.

Mr. PITKIN rose and said:—Before, Mr. Speaker, we give our sanction to this bill; before we agree to add so large a force to our present army, making the whole number fifty-five thousand men, is it not a duty we owe to ourselves and to our constituents, seriously to inquire into the policy, into the necessity of the measure, as well as into the present state of our relations with that nation against which we have declared war? Almost at the very instant when Congress declared war against Great Britain, the Orders in Council, and the blockade of May, 1806, the most prominent causes of the war, were removed. I have always, sir, considered the Orders in Council as the greatest obstacle to the restoration of harmony and free intercourse between the two countries. Had this

obstacle been removed before the declaration of war, no one can believe that the Executive would have recommended, or that a majority in either House of Congress would have adopted a measure always fraught with evils in all governments, and which, in a Government like ours, ought never to be resorted to but in the last extremity. I cannot believe that the President, in that case, would have recommended it, when, on the 26th of July, 1811, through the Secretary of State, he informed the British Minister that, on the revocation of the Orders in Council, the non-importation law would be removed, and, of consequence, commercial intercourse would be restored between the two nations. It would be strange, indeed, if the President should, in one moment, restore a free intercourse between the two countries, and, in the next, recommend to Congress a declaration of war, solely on account of another topic remaining in dispute. And, in case such recommendation had been made, if any confidence is to be placed in the declared opinions of gentlemen, many who voted for the war would not, under such circumstances, have given it their support. Unfortunately for the country, the President did not embrace the opportunity, presented by the repeal of the Orders in Council, to remove the non-importation law, and thereby smooth the way for a complete restoration of harmony between Great Britain and the United States. Sir, this would have been done, and the remaining subject of dispute been left in the same situation as before the declaration of war, to be adjusted by amicable arrangements. But, sir, as this was not done, it remains for us, it remains for the people of the United States, to determine whether they will encounter all the evils, all the calamities of war; whether they will sacrifice the fairest prospects, and the best interests of this rising country, on the point now in dispute with Great Britain.

In the few remarks I shall submit to you, sir, and to the House, it is not my intention to go into the consideration of all the original avowed causes of the war; but to confine myself to the new aspect of affairs, presented to us since the declaration of war by the removal of the Orders in Council and blockades.

On the subject of impressments, for which alone the war is now to be continued, what, let me ask, is the principle for which our Government contends? It is this, sir: that the flag of the merchant vessel shall cover all who sail under it; or, in other words, that our flag shall protect all the foreigners our merchants may think proper to employ in their service, whether naturalized or not. Before we raise immense armies, before we sacrifice any more of the lives of American citizens, let us inquire—

1st. Whether the principle, if yielded to us to-morrow, would benefit our native seamen, or would promote the real permanent interests of their country.

2d. Whether there is a probability of obtain-

ing a recognition of this principle by a continuance of the war.

The foreigners employed in our service are those who have not been naturalized, and those who have taken the benefit of our naturalization laws. The former constitute nearly the whole: the latter class is very inconsiderable. The foreigners of the first description, of course, were in competition with our native seamen, and either exclude them from employment, or lessen the rate of their wages. In this way, then, the employment of foreign seamen is an injury to our native seamen; and, in a national point of view, it may well be questioned, whether their employment subverts the permanent and solid interest of the country.

Is it not, sir, of the first importance to us, as a commercial and maritime nation, especially when it may be engaged in a war with a great naval power, to be able to have a sufficient number of native seamen employed in our service? Seamen, who shall be attached by every tie to this country, and on whom we can depend for its defence in time of danger?

This, sir, it is presumed, cannot be denied. If so, is it not the dictate of wisdom and of sound policy for us to give encouragement to our native seamen in preference to those of any foreign country?

The situation in which we now are proves the correctness, as well as the importance, of the position. We are now at war with Great Britain. And, at the very time when this war was declared, thousands of British seamen who had not been naturalized in this country, were, and they still continue in our employment. These seamen (I am speaking, sir, of those not naturalized) are now claimed as British subjects, and, indeed, by our own laws, are now considered as alien enemies. Will gentlemen suffer me to turn their attention to this last fact?

By a law passed the 6th of July, 1798, it is enacted, that "whenever there shall be a declared war between the United States and any foreign nation or Government, &c., all natives, citizens, denizens, or subjects, of the hostile nation or Government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies." Ought we, sir, to depend upon these men to man our fleets, or to defend our ports and harbors? So far as foreigners of this description are concerned, I do not hesitate to say that it is not for the interest of this country that our flag should protect them, and that I will never consent to continue this war for the maintenance of this principle on their account. It is well known, sir, that not only Great Britain, but that France, and all the nations of Europe, claim a right to the services of all their subjects in time of war. In the exercise of this right, the history of Europe shows that, at the commencement of almost all wars, proclamations

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ave been issued by the belligerent powers, recalling their subjects to aid in the defence of their respective countries. During the present war in Europe, this has been done by Great Britain, by France, and the other belligerent powers. With respect to this claim of allegiance, it is not my intention to enter into the discussion whether, in the abstract, it is well or ill founded. This would lead me too far, and would tend to no practical good. I will, however, observe, that it is a right, a claim, which has been long exercised in Europe, and has been sanctioned and acknowledged by the most able and distinguished European writers on public law.

With respect to foreigners, who have been naturalized under our laws, the question is of more distinct nature, and presents greater difficulties. We ought, undoubtedly, to fulfill all our obligations towards them. What these obligations are, and how far they extend, are questions about which a diversity of sentiment may prevail.—While they remain within our territories, and within our exclusive jurisdiction, they are shielded by the general principle, that all within our dominion and exclusive jurisdiction, are, of course, protected against all claims whatever, and never to be molested in any way without our consent. But, sir, when they go without our territories, and beyond our exclusive jurisdiction, and come within the sphere of the claim of their former Government, the opinion of the best writers on public law seems to be, that the obligation of the country, under whose laws they have been naturalized, does not extend to guaranty them against such claims, unless their allegiance was changed with the consent of their former Government. But, sir, whatever speculative opinions may be entertained on this subject, the number of naturalized seamen is so small, that few, if any, can be of opinion that we ought to have declared war, or that we ought to continue it on their account alone. The whole number of seamen naturalized from 1796 to 1810, as appears by the returns made to the Department of State, is 1,882. This includes those of all nations. What proportion of these were British, or how many of them are now in our service, it is impossible to determine. I presume, however, the number of naturalized British seamen now in our employ does not exceed two or three hundred. Shall we, sir, continue the war for these men?

I am aware, sir, that with respect to impression from our merchant vessels, abuses have happened, that although the right of taking American citizens is not claimed, the British commanders have not been scrupulous whether they took British subjects or American citizens. But, sir, these abuses I never can, and I never will justify. I am satisfied, however, that they have been exaggerated.

But, sir, let me ask, if we have not really attempted to protect foreign seamen under our flag, if we have not been guilty of gross neg-

ligence, to say the least of it, towards our native seamen? whether, by our laws, and the practice under them, we have afforded them all that protection and security to which they are entitled?

In 1796, Congress passed an act for the relief and protection of American seamen. By this act, the collectors of the several ports were directed, on application, to enter the names of seamen, being citizens of the United States, to grant them certificates, in a form given in the act. In this certificate, the collector is to describe the person of the applicant: also, to declare that, on proof produced to him agreeable to the act, the seaman is a citizen of the United States of America.

It is not a little singular that, although the proof of citizenship to be produced to the collector must be agreeable to the directions of the act, the act itself nowhere directs what that proof must be. Every collector, therefore, has, under this act, used his own discretion, or has pursued such directions as he may have received from the Government as to the kind of proof. What, sir, has been the practice under this law? Have those certificates, or protections, as they are commonly called, been confined to *bona fide* American citizens? No, sir; we cannot, we ought not, to shut our eyes against facts too notorious to be concealed or denied. Under this act, made expressly for the protection of American seamen, every foreign seaman, almost, at the moment of setting his feet on our shores, has obtained a certificate from some collector, that he is a citizen of the United States; and, with this certificate in his pocket, although perhaps a deserter from his own Government, he enters a public or private vessel, as an American seaman. The mode of obtaining proof of citizenship is well understood. Among other modes, some of which are too disgraceful to be mentioned in this place, those foreign seamen will go before a magistrate, and, although hardly able to speak the English language intelligibly, will swear, for each other, that they were born within the United States, and are American citizens. On such proof, a proof of this sort, the collector issues his certificate.

It will be recollected, sir, that this subject was brought before this House during the last session, in a case from Philadelphia, when a certificate of this kind was obtained by the most flagrant and avowed act of perjury on the part of a foreigner who had just arrived in this country. It was found, on inquiry, that there was no law, either of Pennsylvania or of the United States, to punish the man for this act of false swearing. Not only have these protections been thus obtained by fraud and perjury, but they have also, long since, been an object of barter; they have been bought and sold, and transferred from one to another, not only in this country, but in foreign countries.

To show the extent of this traffic in seamen's protections, permit me to state some facts, of

which I have no doubt, knowing the source from whence I have derived them. An American captain having a ship in Bristol, in England, without a crew, he applied to a man who kept a boarding-house for sailors, to procure a crew of American sailors in port; he showed him a great number of American protections, which he agreed to sell him for two guineas each, and with the aid of these to procure him a crew. By high wages, and by suiting these protections to the description of British sailors, he procured this captain his ship's crew; not only so, but when the ship was about to sail, and it was doubtful whether those who had engaged for the voyage would actually go on board, this man actually procured some of a press gang to take them as American sailors, who had deserted from their ships, and put them on board. When we ourselves place no confidence in these certificates, when we know that they are thus obtained by fraud and perjury, can we expect that foreign nations will give credit to them? Instead of being a shield and protection to the real American sailor, they have become a dangerous weapon of offence.

If, sir, it is not for the permanent interest of the United States to employ so many transient foreign seamen, we ought long since, not only to have refused these false protections, but to have passed laws for the encouragement of our native seamen, similar to those which have been adopted in commercial countries, and are commonly called navigation acts. This would, in some measure, have relieved us from the evils which we now experience, in consequence of the employment of so many foreign seamen.

TUESDAY, January 5.

*Additional Military Force.*

The House resumed the order of the day on the bill for raising an additional military force of 20,000 men for one year, the question being on the passage of the bill to a third reading.

Mr. BOYD.—Mr. Speaker: It is with great diffidence that I address the Chair. When the bill now before the House was under discussion on Saturday last; that is, the then proposed amendment to insert eighteen months, instead of one year, I was offering my reasons why I thought that that amendment ought to prevail; when, unfortunately for me, I was considered as taking too great a latitude, and prevented from connecting my remarks. As there is little difference, in point of principle, as the bill then was and now is, I embrace this opportunity to make up that deficiency, and will now take care to stick as close as possible to the text.

Sir, I am opposed to passing the bill to a third reading, because I believe it to be altogether inadequate to the purpose intended to be accomplished by it. Sir, when I last addressed the Chair, I then took a retrospective view of our past expectations, plans, and propositions, from which we expected to derive great advantages.

Such were the expectations of that time, that I did not accord with them. Those expectations have not been realized; but, instead thereof, we have met with disappointments and misfortunes. I thought that viewing the errors of the past was the most certain way to avoid the future; and I am not at this time sensible of that being erroneous.

Mr. Speaker, I am an old man, and not in the habit of public speaking; and if I have not the faculty of composing my arguments in so connected a form as a lawyer's special pleadings, I hope the House will excuse me, and grant me their indulgence to do it in such form as my capacity will admit of.

[The SPEAKER observed that it was unpleasant to the Chair that the gentleman should indulge in such remarks; he had certainly no wish not to give full latitude to debate. Mr. R. said he stood corrected, and was allowed to proceed.]

Then, Mr. Speaker, I object, because, in my opinion, it is not calculated to produce the desired effect, or that which is intended by it: that is, to raise a force competent to the conquest of the Canadas in the given time. I will ask how many regiments you have in your present establishment? Say thirty-five, and you add twenty, making together fifty-five: what use is there in multiplying regiments without men? The Chairman did state that from prudential motives, he had thought it inexpedient to give the number now actually in service, or enlisted by the present establishment. Sir, it is not my wish to go into a strict inquiry; the regard I have for the honor of my country forbids me; but I will suppose seventeen thousand, and, I believe, that is large; then there is left officers for eighteen thousand men. Are these not sufficient for the recruiting service? to engage every man who is willing to serve his country? to place a recruiting officer in almost every town and village in the United States? They are; and, therefore, you ought not to create an unnecessary addition. If the present establishment is not full, what is the reason? Either that the pay and bounty are not sufficient inducements, or there is a dislike to the service; your creating more regiments will not remove that difficulty. I am against the bill, because the term of service is too short to answer any valuable purpose. Suppose them intended to operate as a force against Canada. Let us see how that will answer the purpose: You send out your warrants to commence the enlistment of the proposed troops at this time; how long a time, is it contemplated, will be necessary for their enlistment? My opinion is, that you will not have them half full in four months; it is then time to take the field, and they are then raw troops. The honorable Chairman (Mr. D. R. WILLIAMS) states to you the number of troops necessary for defensive operations, according to his calculation, to be ten thousand; deducting that number from the present establishment, supposing it to be full.

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It is not for me to say how far the present establishment is short of the whole number, or will be at that time; but we know that it is far short; we do not know that it can be filled, and if it cannot, then those calculations are fictitious. He also states to you that the regular force in the Canadas is not to be estimated at less than twelve thousand, and three thousand in Halifax, besides their militia. According to this, and my views, you cannot enter Canada the next campaign with man for man; and surely that is not sufficient for conquest in an enemy's country. But I will suppose that you conquer a part of the country; that part must be garrisoned if you will keep it. In a year from the time of enlistment their term expires, and what becomes of your conquest, without force to keep it, supposing it to be made? Say that the officers will be called into service in four months, and there is some of the men enlisted six or eight months hence; the officers must serve until the expiration of the term of the last man engaged, or a derangement must take place—always a disagreeable occurrence in an army.

Sir, if you have not numbers sufficient to bear down all opposition, invade it not: act on the defensive until you have engaged your men, and for a term of time sufficient to answer your purpose; then may you count upon success and honor. I do not say that I believe land conquests will produce an acknowledgment of our rights on the ocean. I believe it will not; but unless you act with great regularity, system, and economy, you cannot avoid it; you must meet with nothing but disappointments and disgrace.

Mr. LAW said as he was originally opposed to the war, and the preparatory steps which led to it, he could not admit the principle, *that because war was declared* he was bound to acquiesce, and lend his aid to promote every plan for prosecuting the war which might be proposed, however wild and extravagant the same might appear. He said he felt it a duty, and he claimed it as a right, (although he was not ambitious very often to exercise the right,) to offer objections to any measures which might be introduced, if he supposed they were not calculated to produce the effect intended, although he might not be in favor of the object itself; or if he believed the measure proposed would be productive of real evil. Now, sir, on this important occasion it would be wise for a moment to look back, and if we can bear the pain of retrospection, consider what this nation once was, what it might be, and what it in fact is. Time was, and that within the recollection of us all, when industry, commerce, prosperity, and peace, gladdened the hearts of this once happy people, and the use of arms was known only as a pacific pastime. The nation, like some individuals, could not bear the intoxicating influence of prosperity. It might have preserved its enviable condition, but it labored and groaned under the weight of national blessings; it submitted to regard the sinister views and

malign influence of foreign powers; it listened—fatally listened—to a serpent more fell than the serpent of old. And now how sad is the reverse, let a dejected and impoverished nation answer; in the past, we see departed comforts; before us, we behold ruin and distress. The unhappy crisis to which we have arrived has been progressive. Had the transition been sudden, the nation would have been driven to desperation. We have been often admonished by those who foresaw the present evils; and had we been wise, might have avoided the calamities in which the country is now involved, and from which there is at present no prospect of speedy relief.

Sir, we will no longer dwell on times past; we will now briefly notice the causes which were alleged in the manifestoes which immediately preceded the declaration of war, and what was said to be the object, and attempt to show that the bill now under consideration is unnecessary for the attainment of the original object; that it will be injurious to the militia, and may endanger the liberties of the country.

As to the causes of the war, without admitting or denying their justice on national principles to justify the act at the time it was declared, he might say that some of the pretended causes have never been seriously relied on by our own Government. The principal one has been wholly removed; and but one of the ingenious catalogue now remains, and that might easily be adjusted to the mutual satisfaction of both nations. And, sir, it ought not to be forgotten, that the act declaring war was carried with great labor and much reluctance; and such was the majority in each branch of Congress that it might well have justified a doubt as to the expediency when it did pass. Besides, a large proportion of the United States were then, and even since have been opposed to the act. And this opposition was not confined to those who have been slanderously reported to be in the interest of Great Britain. The disgust and abhorrence was felt by some of the best patriots and purest bosoms in the country. Experience has also proved that the public sentiment was against the war; witness the feeble ranks of your volunteers, the slow and reluctant march of the militia, and the tardy progress in the recruiting service. Sir, the disgrace and disasters which have hitherto attended the army, have resulted more from a want of confidence in the justice and propriety of the war, than from the lack of talents in those who have conducted the battles, incompetent as they have been represented to command. A nation like this cannot be driven to war. They must feel the justice and necessity of it, and the justice must be so strong as to pierce every heart. This would be felt in a necessary and defensive war; then, indeed, the nation would smite with one arm. Before such a people, roused in such a cause, the veteran legions of Napoleon would be compelled to bite

the dust. Such, alas! is not our case. We have a war, without the spirit or unanimity which springs from these causes, and without the pecuniary means of supporting it. Such a war must be disastrous! On what, sir, is the honor of this nation now suspended? On the Navy! that little navy which was despised, neglected, and forgotten, until it fought itself into notice, and rescued the sinking honor of the country.

What, sir, was the avowed object of this war? It has ever been said that conquest, with a view of extending our territory, and enlarging our dominion, was not the wish of this Government. The idea of this Republic following the footsteps of foreign ambitious nations, was so repugnant to the genius of the American people, and the constitution under which we live, that few, if any, of the warmest advocates of the war dare avow it.

The pretence was to take, or rather to receive Canada; for it was vainly supposed the inhabitants of that province would readily join our standard, on the first invitation. But we must go through the form of conquest to protect them from the charge of treason to their own Government. We were to hold Canada until peace should return, and then it was to be delivered up in exchange for maritime rights. And this it was supposed would be a powerful weapon in our hands in the negotiation. With this view the bills augmenting the Army, raising the volunteers, and transferring the militia, passed. By the present bill, and the project connected with it, the original plan is abandoned with the volunteers and militia, and we are now presented with a compound system of conquest, extermination, and defence. It would seem with the force of fifty-five thousand regular troops, we are to conquer all the residue of North America; exterminate every tawny infidel this side of the Isthmus of Darien, and defend a seacoast many hundred miles in extent from the incursions of the enemy! This is truly a gigantic project. He said he could not give it his aid; and he thought some honorable gentlemen who voted for the war would, when they reflected on the magnitude of the scheme now presented, seize this occasion to retire, unwilling to entail on themselves and posterity the expense and ruin which would flow from the project, if carried into execution.

Mr. QUINCY.—Mr. Speaker, I fear that the state of my health may prevent my doing justice to my sentiments concerning this bill. I will, however, make the attempt though I should fail in it.

The bill proposes that 20,000 men should be added to the existing Military Establishment. This, at present, consists of 85,000 men. So that the effect of this bill is to place, at the disposal of the Executive, an army of 55,000. It is not pretended that this addition is wanted either for defence or for the relief of the Indian frontier. On the contrary, it is expressly acknowledged that the present establishment is

sufficient for both of those objects. But the purpose for which these 20,000 men are demanded is, the invasion of Canada. This is unequivocally avowed by the chairman of the Committee of Military Affairs, (Mr. D. R. WILKINS,) the organ, as is admitted, of the will and the wishes of the American Cabinet.

The bill, therefore, brings, necessarily, into deliberation, the conquest of Canada, either as an object, in itself desirable, or consequentially advantageous, by its effect, in producing an early and honorable peace.\*

Before I enter upon the discussion of those topics, which naturally arise from this state of the subject, I will ask your indulgence, for one moment, while I make a few remarks upon this intention of the American Cabinet thus unequivocally avowed. I am induced to this from the knowledge, which I have, that this design is not deemed to be serious by some men of both political parties; as well within this House as out of it. I know that some of the friends of the present Administration do consider the proposition as a mere feint, made for the purpose of putting a good face upon things, and of strengthening the hope of a successful negotiation, by exciting the apprehensions of the British Cabinet for the fate of their colonies. I know, also, that some of those who are opposed in political sentiment to the men who are now at the head of affairs, laugh at these schemes of invasion; and deem them hardly worth controversy, on account of their opinion of the imbecility of the American Cabinet, and the embarrassment of its resources.

I am anxious that no doubt should exist upon this subject either in the House or in the nation. Whosoever considers the object of this bill to be any other than that which has been avowed, is mistaken. Whosoever believes this bill to be a means of peace, or any thing else than an instrument of vigorous and long-protracted war, is grievously deceived. And whoever acts under such mistake, or such deception, will have to lament one of the grossest, and perhaps one of the most critical errors of his political life. I warn, therefore, my political opponents; those honest men, of whom I know there are some, who, paying only a general attention to the course of public affairs, submit the guidance of their opinions to the men who stand at the helm, not to vote for this bill under any belief that its object is to aid negotiation for peace. Let such gentlemen recur to their past experience on similar occasions. They will find that it has been always the case, whenever any obnoxious meas-

\* This debate, although arising on a subject which implied a limited discussion, soon passed beyond its apparent bounds, and instead of being confined to the simple military question of raising additional troops, expanded into a discussion of the whole policy, objects and causes of the war, and became the principal debate of the session. All the leading members of the House took part in it; and many new members, then young, and whose names have since become famous, then took their start.



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ure is about to be passed, that its passage is assisted by the aid of some such collateral suggestions. No sooner do the Cabinet perceive that any potion, which they intend to administer, is loathed by a considerable part of the majority, and that their apprehensions are alive lest it should have a scouring effect upon their popularity, than certain under-operators are set to work, whose business it is to amuse the minds, and beguile the attention of the patients while the dose is swallowing. The language always is: "Trust the Cabinet doctors. The medicine will not operate as you imagine, but quite another way." After this manner the fears of the men are allayed, and the purposes of the Administration are attained under suggestions very different from the true motives. Thus, the embargo, which has since been unequivocally acknowledged to have been intended to coerce Great Britain, was adopted, as the Executive asserted, "to save our essential resources." So, also, when the present war was declared against Great Britain, members of the House were known to state that they voted for it under the suggestion that it would not be a war of ten days: that it was known that Mr. Foster had instructions to make definitive arrangements, in his pocket; and that the United States had only to advance to the point of war, and the whole business would be settled. And now an army, which, in point of numbers, Cromwell might envy, greater than that with which Caesar passed the Rubicon, is to be helped through a reluctant Congress, under the suggestion of its being only a parade force, to make negotiation successful; that it is the incipient state of a project for a grand pacification!

I warn also my political friends. These gentlemen are apt to place great reliance on their own intelligence and sagacity. Some of these will tell you that the invasion of Canada is impossible. They ask where are the men—where is the money to be obtained? And they talk very wisely concerning common sense and common prudence, and will show, with much learning, how this attempt is an offence against both the one and the other. But, sir, it has been my lot to be an observer of the character and conduct of the men now in power for these eight years past. And I state, without hesitation, that no scheme ever was, or ever will be, rejected by them, merely on account of its running counter to the ordinary dictates of common sense and common prudence. On the contrary, on that very account, I believe it more likely to be both suggested and adopted by them. And, what may appear a paradox, for that very reason, the chance is rather increased that it will be successful.

I could illustrate this position twenty ways. I shall content myself with remarking only upon two instances, and those recent; the present war, and the late invasion of Canada. When war against Great Britain was proposed at the last session, there were thousands in these United States, and I confess to you I was myself

among the number, who believed not one word of the matter. I put my trust in the old-fashioned notions of common sense, and common prudence. That a people, which had been more than twenty years at peace, should enter upon hostilities against a people which had been twenty years at war; that a nation, whose army and navy were little more than nominal, should engage in a war with a nation possessing one of the best appointed armies and the most powerful marine on the globe; that a country, to which neutrality had been a perpetual harvest, should throw that great blessing away for a controversy in which nothing was to be gained, and every thing valuable put in jeopardy; from these, and innumerable like considerations, the idea seemed so absurd that I never once entertained it as possible. And now, after war has been declared, the whole affair seems so extraordinary and so utterly irreconcilable to any previous suggestions of wisdom and duty, that I know not what to make of it or how to believe it. Even at this moment my mind is very much in the state of certain Pennsylvania Germans, of whom I have heard it asserted that they are taught to believe, by their political leaders, and do at this moment consider the allegation, that war is at present existing between the United States and Great Britain, to be a "federal falsehood."

It was just so with respect to the invasion of Canada. I heard of it last June. I laughed at the idea, as did multitudes of others, as an attempt too absurd for serious examination. I was in this case again beset by common sense and common prudence. That the United States should precipitate itself upon the unoffending people of that neighboring colony, unmindful of all previously subsisting amities, because the parent State, three thousand miles distant, had violated some of our commercial rights; that we should march inland, to defend our ships, and seamen; that with raw troops, hastily collected, miserably appointed, and destitute of discipline, we should invade a country defended by veteran forces, at least equal, in point of numbers, to the invading army; that bounty should be offered and proclamations issued, inviting the subjects of a foreign power to treason and rebellion, under the influences of a quarter of the country upon which a retort of the same nature was so obvious, so easy, and, in its consequences, so awful; in every aspect, the design seemed so fraught with danger and disgrace, that it appeared absolutely impossible that it should be seriously entertained. Those, however, who reasoned after this manner were, as the event proved, mistaken. The war was declared. Canada was invaded. We were in haste to plunge into these great difficulties, and we have now reason, as well as leisure enough, for regret and repentance.

The great mistake of all those, who reasoned concerning the war and the invasion of Canada, and concluded that it was impossible that either should be seriously intended, resulted from this,

that they never took into consideration the connection of both those events with the great election for the Chief Magistracy which was then pending. It never was sufficiently considered by them, that plunging into war with Great Britain was among the conditions on which the support for the Presidency was made dependent. They did not understand, that an invasion of Canada was to be in truth only a mode of carrying on an electioneering campaign. But since events have explained political purposes, there is no difficulty in seeing the connections between projects and interests. It is now apparent to the most mole-sighted how a nation may be disgraced, and yet a Cabinet attain its desired honors. All is clear. A country may be ruined, in making an Administration happy.

I said, Mr. Speaker, that such strange schemes, apparently irreconcilable to common sense and common prudence, were, on that very account, more likely to be successful. Sir, there is an audacity, which sometimes stands men instead both of genius and strength. And most assuredly, he is most likely to perform that which no man ever did before, and will never be likely to do again, who has the boldness to undertake that which no man ever thought of attempting in time past, and no man will ever think of attempting in time future. I would not, however, be understood as intimating that this Cabinet project of invasion is impracticable, either as it respects the collection of means and instruments, or in the ultimate result. On the contrary, sir, I deem both very feasible. Men may be obtained. For if forty dollars bounty cannot obtain them, a hundred dollars bounty may, and the intention is explicitly avowed not to suffer the attainment of the desired army to be prevented by any vulgar notions of economy. Money may be obtained. What by means of the increased popularity derived from the augmentation of the navy, what by opening subscription offices in the interior of the country, what by large premiums, the cupidity of the moneyed interest may be tempted beyond the point of patriotic resistance, and all the attained means being diverted to the use of the army, pecuniary resources may be obtained, ample at least for the first year. And, sir, let an army of thirty thousand men be collected, let them be put under the command of a popular leader, let them be officered to suit his purposes, let them be flushed with victories; and see the fascinating career of military glory opening upon them, and they will not thereafter ever be deficient in resources. If they cannot obtain their pay by your votes, they will collect it by their own bayonets; and they will not rigidly observe any air-lines or water-lines in enforcing their necessary levies; nor be stayed by abstract speculation concerning right, or learned constitutional difficulties.

I will now proceed to discuss those topics which naturally arise out of the bill under consideration, and examine the proposed invasion of Canada, at three different points of view.

1. As a means of carrying on the subsisting war.

2. As a means of obtaining an early and honorable peace.

3. As a means of advancing the personal and local projects of ambition of the members of the American Cabinet.

Concerning the invasion of Canada, as a means of carrying on the subsisting war, it is my duty to speak plainly and decidedly, not only because I herein express my own opinions upon the subject, but, as I conscientiously believe, the sentiments also of a very great majority of that whole section of country in which I have the happiness to reside. I say then, sir, that I consider the invasion of Canada as a means of carrying on this war, as cruel, wanton, senseless, and wicked.

You will easily understand, Mr. Speaker, by this very statement of opinion, that I am not one of that class of politicians which has for so many years predominated in the world, on both sides of the Atlantic. You will readily believe, that I am not one of those who worship in that temple, where Condorcet is the High Priest and Machiavel the God. With such politicians the end always sanctifies the means; the least possible good to themselves perfectly justifies, according to their creed, the inflicting the greatest possible evil upon others. In the judgment of such men, if a corrupt ministry at three thousand miles distance shall have done them an injury, it is an ample cause to visit with desolation a peaceable and unoffending race of men, their neighbors, who happen to be associated with that ministry by ties of mere political dependence. What though these colonies be so remote from the sphere of the questions in controversy, that their ruin or prosperity could have no possible influence upon the result? What though their cities offer no plunder? What though their conquest can yield no glory? In their ruin there is revenge. And revenge to such politicians is the sweetest of all morsels. With such men, neither I nor the people of that section of country in which I reside hold any communion. There is between us and them no one principle of sympathy either in motive or action.

That wise, moral, reflecting people, which constitute the great mass of the population of Massachusetts—indeed, of all New England—look for the sources of their political duties nowhere else than in those fountains from which spring their moral duties. According to their estimate of human life and its obligations, both political and moral duties emanate from the nature of things, and from the essential and eternal relations which subsist among them. True it is, that a state of war gives the right to seize and appropriate the property and territories of an enemy. True it is, that the colonies of a foreign power are viewed, according to the law of nations, in the light of its property. But in estimating the propriety of carrying desolation into the peaceful abodes of their neigh-

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bora, the people of New England will not limit their contemplation to the mere circumstance of abstract right, nor ask what lawyers and jurisprudents have written or said, as if this was conclusive upon the subject. That people are much addicted to think for themselves, and in canvassing the propriety of such an invasion, they will consider the actual condition of those colonies, their natural relations to us, and the effect which their conquest and ruin will have, not only upon the people of those colonies, but upon themselves, and their own liberties and constitution. And above all, what I know will seem strange to some of those who hear me, they will not forget to apply to a case occurring between nations, as far as is practicable, that heaven-descended rule which the great author and founder of their religion has given them for the regulation of their conduct towards each other. They will consider it the duty of these United States to act towards those colonies as they would wish those colonies to act, in exchange of circumstances, towards these United States.

The actual condition of those colonies, and the relation in which they stood to the United States antecedent to the declaration of war, were of this nature. Those colonies had no connection with the questions in dispute between us and their parent State. They had done us no injury. They meditated none to us. Between the inhabitants of those colonies and the citizens of the United States, the most friendly and mutually useful intercourse subsisted. The borderers on this, and those on the other side of the St. Lawrence, and of the boundary line, scarcely realized that they were subjects of different governments. They interchanged expressions and acts of civility. Inter-marriages took place among them. The Canadian sometimes settled in the United States; sometimes our citizens emigrated to Canada. After the declaration of war, had they any disposition to assail us? We have the reverse expressly in evidence. They desired nothing so much as to keep perfect the then subsisting relations of amity. Would the conquest of those colonies shake the policy of the British cabinet? No man has shown it. Unqualified assertions, it is true, have been made, but totally unsupported by any evidence, or even the pretence of argument. On the contrary, nothing was more obvious than that an invasion of Canada must strengthen the Ministry of Great Britain, by the excitement and sympathy which would be occasioned in the people of that country in consequence of the sufferings of the innocent inhabitants of those colonies, on account of a dispute in which they had no concern, and of which they had scarcely a knowledge. All this was anticipated—all this was frequently urged to this House, at the last and preceding sessions, as the necessary effect of such a measure. The event has justified those predictions. The late elections in Great Britain have terminated in the complete triumph of the friends of the

British Ministry. In effecting this change, the conduct of the United States in relation to Canada has had, undeniably, a mighty influence, by the disgust and indignation felt by the British people at a step so apparently wanton and cruel.

As there was no direct advantage to be hoped from the conquest of Canada, so also, there was none incidental. Plunder there was none—at least, none which would pay the cost of the conquest. Glory there was none. Could seven millions of people obtain glory by precipitating themselves upon half a million, and trampling them into the dust? A giant obtain glory by crushing a pigmy? That giant must have a pigmy's spirit who could reap, or hope, glory from such an achievement.

Surely a people, with whom we were connected by so many natural and adventitious ties, had some claims upon our humanity. Surely if our duty required that they and theirs should be sacrificed to our interests or our passions, some regret mingled in the execution of our purpose. We postponed the decree of ruin until the last moment. We hesitated—we delayed until longer delay was dangerous. Alas! sir, there was nothing of this kind or character in the conduct of the Cabinet. The war had not yet been declared, when General Hull had his instructions to put in train the work of destruction. There was an eagerness for the blood of the Canadians—a headlong precipitation for their ruin, which indicated any thing else rather than feelings of humanity, or visitings of nature, on account of their condition. Our armies were on their march for their frontier, while yet peace existed between this country and the parent State; and the invasion was obstinately pursued, after a knowledge that the chief ground of controversy was settled by the abandonment of the British Orders in Council; and after nothing remained but a stale ground of dispute, which, however important in itself, was of a nature for which no man has ever yet pretended that for it alone war would have been declared. Did ever one Government exhibit towards any people a more bloody and relentless spirit of rancor? Tell me not of petty advantages—of remote, and possibly useful contingencies which might arise from the devastation of those colonies. Show any advantage which justifies that dreadful vial of wrath which, if the intention of the American Cabinet had been fulfilled, would, at this day, have been poured out upon the heads of the Canadians. It is not owing to the tender mercies of the American Administration, if the bones of the Canadians are not at this hour mingled with the ashes of their habitations. It is easy enough to make an excuse for any purpose. When a victim is destined to be immolated, every hedge presents sticks for the sacrifice. The lamb who stands at the mouth of the stream, will always trouble the water, if you take the account of the wolf who stands at the source of it. But show a good to us bearing any proportion to the multiplied evils proposed to be visited

upon them. There is none. Never was there an invasion of any country worse than this, in point of moral principle, since the invasion of the West Indies by the Buccaneers, or that of the United States by Captain Kidd. Indeed, both Kidd and the Buccaneers had more apology for their deed than the American Cabinet. They had at least the hope of plunder; but in this case there is not even the poor refuge of cupidity. We have heard great lamentations about the disgrace of our arms on the frontier. Why, sir, the disgrace of our arms on the frontier is terrestrial glory, in comparison with the disgrace of the attempt. The whole atmosphere rings with the utterance, from the other side of the House of this word "glory"—"glory" in connection with this invasion. What glory? Is it the glory of the tiger, which lifts his jaws, all foul and bloody, from the bowels of his victim, and roars for his companions of the wood to come and witness his prowess and his spoils? Such is the glory of Genghis Khan, and of Bonaparte. Be such glory far, very far, from my country. Never, never may it be accursed with such fame.

"Fame is no plant that grows on mortal soil,  
Nor in the glittering foil  
Set off to the world, nor in broad rumor lies,  
But lives and spreads aloft, by those pure eyes,  
And perfect witness of all-judging Jove,  
As he pronounces lastly on each deed."

May such fame as this be my country's meed!

But the wise and thoughtful people of our Northern section will confine their reflections to the duties which result from the actual condition of those colonies, and their general relations to the United States; they will weigh the duties the people of the United States owe to themselves, and contemplate the effect which the subjugation of those Canadians will have upon our own liberties and constitution. Sir, it requires but little experience in the nature of the human character, and but a very limited acquaintance with the history of man, to be satisfied that with the conquest of the Canadas, the liberties and constitution of this country perish.

Of all nations in the world, this nation is the last which ought to admit, among its purposes, the design of foreign conquests. States such as are these, connected by ties so peculiar; into whose combination there enters necessarily numerous jealousies and fears; whose interests are not always reconcilable; and the passions, education, and character of whose people, on many accounts, are repugnant to each other; with a constitution made merely for defence; it is impossible that an association of independent Sovereignities, standing in such relations to each other, should not have the principles of its union, and the hopes of its constitution, materially affected by the collection of a large military force, and its employment in the subjugation of neighboring territories. It is easy

to see that an army collected in such a state of society as that which exists in this country, where wages are high and subsistence easily to be obtained, must be composed, so far as respects the soldiery, for the most part of the refuse of the country; and as respects the officers, with some honorable exceptions indeed, must consist, in a considerable degree, of men desperate sometimes in fortune, at others in reputation; "choice spirits;" men "tired of the dull pursuits of civil life," who have not virtue or talents to rise in a calm and settled state of things, and who, all other means of advancement or support wanting or failing, take to the sword. A body of thirty or fifty thousand such men, combined, armed, and under a popular leader, is a very formidable force. They want only discipline and service to make them veterans. Opportunity to acquire these, Canada will afford. The army which advances to the walls of Quebec, in the present condition of Canadian preparation, must be veteran. And a veteran army, under a popular leader, flushed with victory, each individual realizing, that while the body remains combined, he may be something, and possibly very great; that if dissolved, he sinks into insignificance; will not be disbanded by vote. They will consult with one another, and with their beloved chieftain, upon this subject; and not trouble themselves about the advice of the old people who are knitting and weaving in the chimney corners at Washington. Let the American people receive this as an undoubted truth, which experience will verify. Whoever plants the American standard on the walls of Quebec, conquers it for himself, and not for the people of the United States. Whoever lives to see that event—may my head be low in the dust before it happen!—will witness a dynasty established in that country by the sword. He will see a King or an Emperor, dukedoms, and earldoms, and baronies, distributed to the officers, and knights' fees bestowed on the soldiery. Such an army will not trouble itself about geographical lines, in portioning out the divisions of its new empire; and will run the parallels of its power by other steel than that of the compass. When that event happens, the people of New England, if they mean to be free, must have a force equal to defend themselves against such an army. And a military force equal to this object will itself be able to enslave the country.

Mr. Speaker—When I contemplate the character and consequences of this invasion of Canada; when I reflect upon its criminality and its danger to the peace and liberty of this once happy country; I thank the great Author and Source of all virtue, that through His grace that section of country in which I have the happiness to reside, is, in so great a degree, free from the iniquity of this transgression. I speak it with pride, the people of that section have done what they could to vindicate themselves and their children from the burden of this sin. That whole section has risen, almost as one man, for

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the purpose of driving from power, by one great constitutional effort, the guilty authors of his war. If they have failed, it has not been through the want of will or of exertion, but in consequence of the weakness of their political power. When in the usual course of Divine Providence, who punishes nations as well as individuals, His destroying angel shall on this account pass over this country—and sooner or later, pass it will—I may be permitted to hope that over New England his hand will be stayed. Our souls are not steeped in the blood which has been shed in this war. The spirits of the unhappy men who have been sent to an untimely audit, have borne to the bar of divine justice no accusations against us.

This opinion, concerning the principles of this invasion of Canada, is not peculiar to me. Multitudes who approve the war, detest it. I believe this sentiment is entertained, without distinction of parties, by almost all the moral sense, and nine-tenths of the intelligence, of the whole northern section of the United States. I know that men from that quarter of the country will tell you differently. Stories of a very different kind are brought by all those who come trooping to Washington for place, appointments, and emoluments; men who will say any thing to please the ear, or do any thing to please the eye of Majesty, for the sake of those fat contracts and gifts which it scatters; men whose fathers, brothers, and cousins, are provided for by the Departments; whose full-grown children are at suck at the money-distilling breasts of the Treasury; the little men who sigh after great offices; those who have judgeships in hand or judgeships in promise; toads that live upon the vapor of the palace, that swallow great men's spittle at the levees; that stare and wonder at all the fine sights which they see there; and most of all wonder at themselves—how they got there to see them. These men will tell you, that New England applauds this invasion.

But, Mr. Speaker, look at the elections. What is the language they speak? The present tenant of the Chief Magistracy rejected, by that whole section of country, with the exception of a single State unanimously. And for whom? In favor of a man, out of the circle of his own State without much influence, and personally almost unknown. In favor of a man against whom the prevailing influence in New England had previously strong political prejudices; and with whom, at the time of giving him their support, they had no political understanding; in favor of a man whose merits, whatever in other respects they might be, were brought into notice, in the first instance, chiefly so far as that election was concerned, by their opinion of the utter want of merit of the man whose re-election they opposed.

Among the causes of that universal disgust which pervaded all New England, at the Administration and its supporters, was the general dislike and contempt of this invasion of Canada.

I have taken some pains to learn the sentiments which prevail on this subject in New England, and particularly among its yeomanry, the pride and the hope of that country. I have conversed with men, resting on their spades and leaning on the handles of their ploughs, while they relaxed for a moment from the labor by which they support their families, and which gives such a hardihood and character to their virtues. They asked—"What do we want of Canada? We have land enough. Do we want plunder? There is not enough of that to pay the cost of getting it. Are our Ocean rights there? Or is it there our seamen are held in captivity? Are new States desired? We have plenty of those already. Are they to be held as conquered territories? This will require an army there. Then, to be safe, we must have an army here. And with a standing army, what security for our liberties?"

These are no fictitious reasonings. They are the suggestions I doubt not of thousands and tens of thousands of our hardy New England yeomanry; men who, when their country calls, at any wise and real exigency, will start from their native soils and throw their shields over their liberties, like the soldiers of Cadmus, "armed in complete steel;" yet men, who have heard the winding of your horn to the Canada campaign, with the same apathy and indifference with which they would hear in the streets the trilling of a jewaharp, or the twirring of a banjo.

The plain truth is, that the people of New England have no desire for Canada. Their moral sentiment does not justify, and they will not countenance its invasion. I have thus stated the grounds on which they deem, and I have felt myself bound to maintain, that this contemplated invasion of that territory is, as it respects the Canadians, wanton and cruel; because it inflicts the greatest imaginable evils on them, without any imaginable benefit to us; that, as it respects the United States, such an invasion is senseless, because, ultimately, ruinous to our own political safety; and wicked, because it is an abuse of the blessings of Divine Providence, and a manifest perversion of His multiplied bounties, to the purpose of desolating an innocent and unoffending people.

I shall now proceed to the next view I proposed to take on this project of invading Canada, and consider it in the light of a means to obtain an early and honorable peace. It is said, and this is the whole argument in favor of this invasion, in this aspect, that the only way to negotiate successfully with Great Britain, is to appeal to her fears and raise her terrors for the fate of her colonies. I shall here say nothing concerning the difficulties of executing this scheme; nor about the possibility of a deficiency both in men and money. I will not dwell on the disgust of all New England, nor on the influence of this disgust with respect to your efforts. I will admit, for the present, that an army may be raised, and that during the first

years it may be supported by loans, and that afterwards it will support itself by bayonets. I will admit farther, for the sake of argument, that success is possible and that Great Britain realizes the practicability of it. Now, all this being admitted, I maintain that the surest of all possible ways to defeat any hope from negotiation, is the threat of such an invasion, and an active preparation to execute it. Those must be very young politicians, their pin-feathers not yet grown, and however they may flutter on this floor, they are not yet fledged for any high or distant flight, who think that threats and appealing to fear are the ways of producing a disposition to negotiate in Great Britain, or in any other nation which understands what it owes to its own safety and honor. No nation can yield to threat, what it might yield to a sense of interest; because, in that case, it has no credit for what it grants, and what is more, loses something in point of reputation, from the imbecility which concessions made under such circumstances indicate. Of all nations in the world, Great Britain is the last to yield to considerations of fear and terror. The whole history of the British nation is one tissue of facts, tending to show the spirit with which she meets all attempts to bully and brow-beat her into measures inconsistent with her interests or her policy. No nation ever before made such sacrifices of the present to the future. No nation ever built her greatness more systematically, on the principles of a haughty self-respect, which yields nothing to suggestions of danger, and which never permits either her ability or inclination to maintain her rights to be suspected. In all negotiations, therefore, with that power, it may be taken as a certain truth, that your chance of failure is just in proportion to the publicity and obtrusiveness of threats and appeals to fear.

The American Cabinet understands all this very well, although this House may not. Their policy is founded upon it. The project of this bill is to put at a still further distance the chance of amicable arrangement, in consequence of the dispositions which the threat of invasion of their colonies, and attempt to execute it, will excite in the British nation and Ministry. I have some claim to speak concerning the policy of the men who constitute the American Cabinet. For eight years I have studied their history, characters, and interests. I know no reason why I should judge them severely, except such as arise from those inevitable conclusions, which avowed principles and distinct conduct have impressed upon the mind. I say, then, sir, without hesitation, that in my judgment, the embarrassments of our relations with Great Britain, and keeping alive between this country and that a root of bitterness, has been, is, and will continue to be, a main principle of the policy of this American Cabinet. They want not a solid settlement of our differences. If the nation will support them in it, they will persevere in the present war. If it will not,

some general arrangements will be the resort, which will leave open opportunities for discord; which on proper occasions will be improved by them. I shall give my reasons for this opinion. I wish no sentiments of mine to have influence any farther than the reasons upon which they are founded justify. They are public reasons, arising from undeniable facts; the nation will judge for itself.

The men who now, and who, for these twelve years past, have, to the misfortune of this country, guided its councils and directed its destinies, came into power on a tide, which was raised and supported by elements constituted of British prejudices and British antipathies. The parties which grew up in this nation took their origin and form at the time of the adoption of the treaty negotiated by Mr. Jay, in 1794. The opposition of that day, of which the men now in power were the leaders, availed themselves, very dexterously, of the relics of that hatred towards the British name which remained after the Revolutionary war. By perpetually blowing up the embers of the ancient passions, they excited a flame in the nation; and by systematically directing it against the honorable men who at that time conducted its affairs, the strength and influence of those men were impaired. The embarrassments with France, which succeeded, in 1798 and 1799, were turned to the same account. Unfortunately, those who then conducted the public affairs attended less to the appearance of things, than to their measures; and considered more what was due to their country than was prudent, in the state of the prejudices and jealousies of the people, thus artfully excited against them. They went on, in the course they deemed right, regardless of personal consequences, and blind to the evidences of discontent which surrounded them. The consequences are well known. The supreme power in these United States passed into the hands which now possess it; in which it has been continued down to the present time. The transfer of power was effected, undeniably, principally on the very ground of those prejudices and antipathies which existed in the nation against Great Britain; and which had been artfully fomented by the men now in power, and their adherents, and directed against their predecessors. These prejudices and passions constitute the main pillar of the power of these men. In my opinion, they never will permit it to be wholly taken away from them. They never will permit the people of this country to look at them and their political opponents, free of that jaundice with which they have carefully imbued the vision of their own partisans. They never will consent to be weighed in a balance of mere merits; but will always take care to keep in reserve some portion of these British antipathies, to throw as a make-weight into the opposite scale, whenever they find their own sinking. To continue, multiply, strengthen, and extend these props of their power, has been, still is, the object of the daily study and the

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nighly vigils of our American Cabinet. For this the British Treaty was permitted to expire by its own limitation; notwithstanding the state of things which the Treaty of Amiens had produced in Europe was so little like permanent peace, that the occurrence of the fact, on which the force of that limitation depended, might easily have been questioned, with but little violence to the terms, and in perfect conformity with its spirit. For this a renewal of the Treaty of 1794 was refused by our Cabinet, although proffered by the British Government. For this the treaty negotiated by Messrs. Monroe and Pinkney in 1807 was rejected. For this, in 1811, fifty thousand dollars were paid out of the public Treasury to John Henry, for the obvious purpose of enabling the American Cabinet to calumniate their political opponents, on this very point of British influence, upon the eve of elections, occurring in Massachusetts, on the event of which the perpetuation of their own power was materially dependent.

Mr. Speaker, such men as these never will permit a state of things to pass away, so essential to their influence. Be it peace or war, arrangement or hostility, the association of these British antipathies in the minds of the mass of the community, with the characters of their political opponents, constitutes the great magazine of their power. This composes their whole political larder. It is, like Lord Peter's brown loaf, their "beef, mutton, veal, venison, partridge, plum-pudding, and custard."

From the time of the expiration of the British Treaty of 1794, and the refusal to renew it, the American Cabinet have been careful to precede negotiation with some circumstances or other, calculated to make it fail, or at least to make a successful result less certain. Thus in 1806, when, from the plunder of commerce, by British cruisers, a negotiation, notwithstanding the obvious reluctance of the Cabinet, was forced upon them, by the clamors of the merchants, the non-importation law of April, in that year, was obtruded between the two countries. In the course of the debate upon that law, it was opposed upon this very ground, that it was an obstacle to a successful negotiation. It was advocated, like the bill now under discussion, as an aid to successful negotiation. It was also said by the opponents of the law of 1806, that Great Britain would not negotiate under its operation, and that arrangement, attempted under proper auspices, could not be difficult, from the known interests and inclinations of that nation. What was the consequence? Precisely that which was anticipated. The then President of the United States was necessitated to come to this House, and recommend a suspension of the operation of that law, upon the openly-avowed ground of its being expedient to give that evidence of a conciliatory disposition; really, because, if permitted to continue in operation, negotiation was found to be impracticable. After the suspension of that law, a treaty was formed. The

merits of that treaty, it is not within the scope of my present argument to discuss. It is sufficient to say, it was deemed good enough to receive the sanction of Messrs. Monroe and Pinkney. It arrived in America and was rejected by the authority of a single individual; apparently because of the insufficiency of the arrangement about impressment. Really because a settlement with Great Britain, at that time, did not "enter into the scope of the policy" of the American Cabinet. The negotiation was indeed renewed, but it was followed up with the enforcement of the non-importation law, and the enactment of the embargo. Both which steps were stated at the time, as they proved afterwards, to be of a nature to make hopeless successful negotiation.

In this State the Executive power of this nation formally passed into new hands, but substantially remained under the old principles of action, and subject to the former influences. It was desirable that a fund of popularity should be acquired for the new Administration. Accordingly, an arrangement was made with Mr. Erskine, and no questions asked, concerning the adequacy of his powers. But, lest this circumstance should not defeat the proposed arrangement, a clause was inserted in the correspondence containing an insult to the British Government, offered in the face of the world, such as no man ever gave to a private individual whom he did not mean to offend. The President of the United States said, in so many words, to the person at the head of that Government, that he did not understand what belonged to his own honor, as well as it was understood by the President himself. The effect of such language was natural, it was necessary; it could not but render the British Government averse to sanction Mr. Erskine's arrangement. The effect was anticipated by Mr. Robert Smith, then acting as Secretary of State. He objected to its being inserted, but it was done in the President's own handwriting. As Mr. Erskine's authority was denied by the British Government, it is well known that in fact, on the point of this indignity, the fate of that arrangement turned. Can any one doubt that our Cabinet meant that it should have this effect? I send you word, Mr. Speaker, that I have agreed with your messenger, and wish you to ratify it. I think you, however, no gentleman, notwithstanding; and that you do not understand, as well as I, what is "due to your own honor." What think you, sir? Would you ratify such an arrangement if you could help it? Does a proffer of settlement, connected with such language, look like a disposition or an intention to conciliate? I appeal to the common sense of mankind on the point.

The whole stage of the relations, induced between this country and Great Britain, in consequence of our embargo and restrictive systems, was, in fact, a standing appeal to the fears of the British Cabinet. For, notwithstanding those systems were equal in their terms, so far as they

affected Foreign Powers, yet their operation was notoriously almost wholly upon Great Britain. To yield to that pressure, or to any thing which should foster, in this country, the idea that it was an effectual weapon of hostility, was nothing more than conceding that she was dependent upon us. A concession, which, when once made by her, was certain to encourage a resort to it by us on every occasion of difficulty between the two nations. Reasoning, therefore, upon the known nature of things, and the plain interests of Great Britain, it was foretold that, during its continuance she would concede nothing. And the event has justified these predictions. But the circumstance the most striking, and that furnishing the most conclusive evidence of the indisposition of the American Cabinet to peace, and their determination to carry on the war, is that connected with the pretended repeal of the French decrees, in November, 1810, and the consequent revival, in 1811, of our restrictive system against Great Britain.

If ever a body of men were pledged to any thing, the American Cabinet, its friends and supporters, were pledged for the truth of this fact; that the French decrees of Berlin and Milan were definitively repealed as it respects the United States, on the first of November, 1810. If ever any body of men staked their whole stock of reputation upon any point, our Cabinet did it on this. They and their partisans asserted and raved. They denounced every man as a British partisan who denied it. They declared the restrictive system was revived by the mere effect of the proclamation. But lest the courts of law should not be as subservient to their policy as might be wished, they passed the law of the 2d of March, 1811, upon the basis of this repeal, and of its being definitive. The British Government refused, however, to recognize the validity of this repeal, and denied that the Berlin and Milan decrees were repealed on the first of November, 1810, as our Cabinet asserted. Thus, then, stood the argument between the British Ministry and our Cabinet. The British Ministry admitted that if the Berlin and Milan decrees were repealed on the 1st of November, 1810, they were bound to revoke their Orders in Council. But they denied that repeal to exist. Our Cabinet, on the other hand, admitted that if the Berlin and Milan decrees were not repealed on the 1st of November, 1810, the restrictive system ought not to have been revived against Great Britain. But they asserted that repeal to exist. This was, virtually, the state of the question between the two countries on this point. And it is agreed, on all hands, that this refusal of the British Government to repeal their Orders in Council, after the existence of the repeal of the Berlin and Milan decrees, as asserted by the American Cabinet, was the cause of the declaration of war between the two countries. So that in truth, the question of the right of war depended upon the existence of that fact; for if that fact did not exist, even the American Cabinet

did not pretend that, in the position in which things then stood, they had a right to declare war, on account of the continuance of the British Orders in Council.

Now, what is the truth in relation to this all-important fact, the definitive repeal of the Berlin and Milan decrees on the 1st of November, 1810; the pivot upon which turned the revival of the restrictive system and our declaration of war? Why, sir, the event has proved that in relation to that fact the American Cabinet was, to say the least, in an error. Bonaparte himself, in a decree, dated the 28th of April, 1811, but not promulgated till a year afterwards, distinctly declares that the Berlin and Milan decrees were not definitively repealed, as relates to the United States, on the 1st of November, 1810. He also declares that they are then, on that twenty-eighth of April, for the first time, repealed. And he founds the issuing of this decree on the act of the American Congress of the 2d of March, 1811. That very act, which was passed upon the ground of the definitive repeal of the Berlin and Milan decrees, on the 1st of November, 1810; and which, it is agreed on all sides, the American Government were bound in honor not to pass, except in case of such antecedent repeal.

Were ever a body of men so abandoned in the hour of need, as the American Cabinet, in this instance by Bonaparte? Was ever any body of men so cruelly wounded in the house of their friend? This, this was "the unkindest cut of all." But how was it received by the American Cabinet? Surely they were indignant at this treatment. Surely the air rings with reproaches upon a man who has thus made them stake their reputation upon a falsehood; and then gives little less than the lie direct, to their assertions. No, sir, nothing of all this is heard from our Cabinet. There is a philosophic tameness that would be remarkable, if it were not, in all cases affecting Bonaparte, characteristic. All the Executive of the United States has found it in his heart to say, in relation to this last decree of Bonaparte, which contradicts his previous allegations and asseverations, is, that "This proceeding is rendered, by the time and manner of it, liable to many objections!"

I have referred to this subject as being connected, with future conduct, strikingly illustrative of the disposition of the American Cabinet to carry on the war, and of their intention, if possible, not to make peace. Surely, if any nation had a claim for liberal treatment from another, it was the British nation from the American, after the discovery of the error of the American Government, in relation to the repeal of the Berlin and Milan decrees, in November, 1810. In consequence of that error, the American Cabinet had ruined numbers of our own citizens, who had been caught by the revival of the non-intercourse law; they had revived that law against Great Britain, under circumstances which now appeared to have been fallacious; and they had declared war against her, on the



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supposition, that she had refused to repeal her Orders in Council, after the French decrees were in fact revoked : whereas, it now appears that they were in fact not revoked. Surely the knowledge of this error was followed by an instant and anxious desire to redress the resulting injury. As the British Orders in Council were in fact revoked, on the knowledge of the existence of the French decree of repeal, surely the American Cabinet at once extended the hand of friendship ; met the British Government half way ; stopped all further irritation ; and strove to place every thing on a basis best suited to promote an amicable adjustment. No, sir, nothing of all this occurred. On the contrary, the question of impressments is made the basis of continuing the war. On this subject, a studied fairness of proposition is preserved, accompanied with systematic perseverance in measures of hostility. An armistice was proposed by them. It was refused by us. It was acceded to by the American General on the frontiers. It was rejected by the Cabinet. No consideration of the false allegation on which the war in fact was founded ; no consideration of the critical and extremely consequential nature to both nations of the subject of impressment ; no considerations of humanity, interposed their influence. They renewed hostilities. They rushed upon Canada. Nothing would satisfy them but blood. The language of their conduct is that of the giant, in the legends of infancy :

" Fee, faw, fow, fum,  
I smell the blood of an Englishman ;  
Dead or alive, I will have some ! "

Can such men pretend that peace is their object ? Whatever may result, the perfect conviction of my mind is, that they have no such intention, and that if it comes it is contrary both to their hope and expectation.

I would not judge these men severely. But it is my duty to endeavor to judge them truly ; and to express fearlessly the result of that judgment, whatever it may be. My opinion results from the application of the well-known principle of judging concerning men's purposes and motives : to consider rather what men do, than what they say ; and to examine their leads in connection with predominating passions and interests ; and on this basis decide. In making an estimate of the intentions of these or any other politicians, I make little or no account of pacific pretensions. There is a general reluctance at war, and desire of peace, which pervades the great mass of every people ; and artful rulers could never keep any nation at war any length of time, beyond their true interests, without some sacrifice to that general love of peace which exists in civilized men. Bonaparte himself will tell you that he is the most pacific creature in the world. He has already declared, by his proclamation to Frenchmen, that he has gone to Moscow for no other end than to cultivate peace, and counteract the

Emperor of Russia's desire of war. In this country, where the popular sentiment has so strong an impulse on its affairs, the same obtrusive pretension must inevitably be preserved. No man or set of men ever can or will get this country at war, or continue it long in war, without keeping on hand a stout, round stock of gulling matter. Fair propositions will always be made to go hand in hand with offensive acts. And when something is offered so reasonable that no man can doubt but it will be accepted, at the same moment something will be done of a nature to embarrass the project, and if not to defeat at least to render its acceptance dubious. How this has been in past time, I have shown. I will now illustrate what is doing and intended at present.

As from the uniform tenor of the conduct of the American Cabinet, in relation to the British Government, I have no belief that their intention has been to make a solid arrangement with that nation ; so, from the evidence of their disposition and intention, existing abroad and on the table, I have no belief that such is at present their purpose. I cannot possibly think otherwise, than that such is not their intention. Let us take the case into common life. I have demands, Mr. Speaker, against you, very just in their nature, but different. Some of recent, others of very old date. The former depending upon principles very clearly in my favor. The latter critical, difficult, and dubious, both in principle and settlement. In this state of things, and during your absence, I watch my opportunity, declare enmity ; throw myself upon your children and servants and property, which happen to be in my neighborhood, and do them all the injury I can. While I am doing this, I receive a messenger from you, stating that the grounds of the recent injury are settled ; that you comply fully with my terms. Your servants and children, whom I am plundering and killing, invite me to stay my hand until you return, or until some accommodation can take place between us. But, deaf to any such suggestions, I prosecute my intention of injury to the utmost. When there is reason to expect your return, I multiply my means of injury and offence. And no sooner do I hear of your arrival, than I thrust my fist into your face, and say to you—" Well, sir, here are fair propositions of settlement ; come to my terms, which are very just ; settle the old demand in my way, and we will be as good friends as ever." Mr. Speaker, what would be your conduct on such an occasion ? Would you be apt to look as much at the nature of the propositions, as at the temper of the assailant ? If you did not at once return blow for blow, and injury for injury, would you not at least take a little time to consider ? Would you not tell such an assailant, that you were not to be bullied nor beaten into any concession ? If you settled at all, might you not consider it your duty in some way to make him feel the consequences of his strange intemperance of passion ? For

myself, I have no question how a man of spirit ought to act under such circumstances. I have as little, how a great nation, like Great Britain, will act. Now, I have no doubt, sir, that the American Cabinet view this subject in the same light. They understand well, that by the declaration of war, the invasion of Canada, the refusal of an armistice, and perseverance in hostilities, after the principal ground of war had been removed, they have wrought the minds of the British Cabinet and people to a very high state of irritation. Now is the very moment to get up some grand scheme of pacification; such as may persuade the American people of the inveterate love of our Cabinet for peace, and make them acquiescent in their perseverance in hostilities. Accordingly, before the end of the session, a great tub will be thrown out to the whale. Probably, a little while before the Spring elections, terms of very fair import will be proffered to Great Britain. Such as, perhaps, six months ago our Cabinet would not have granted, had she solicited them on her knees. Such as probably, in the opinion of the people of this country, Great Britain ought to accept; such perhaps as in any other state of things, she would have accepted. But such as, I fear, under the irritation produced by the strange course pursued by the American Cabinet, that nation will not accept. Sir, I do not believe that our Cabinet expect that they will be accepted. They think the present state of induced passion is sufficient to prevent arrangement. But to make assurance doubly sure, to take a bond of fate, that arrangement shall not happen, they prepare this bill. A bill, which proposes an augmentation of the army for the express purpose of conquering the Canadas. A bill which, connected with the recent disposition evinced by our Cabinet, in relation to those provinces, and with the avowed intent of making their subjugation the means of peace, through the fear to be inspired into Great Britain, is as offensive to the pride of that nation as can well be imagined; and is, in my apprehension, as sure a guarantee of continued war as could be given. On these grounds, my mind cannot force itself to any other conclusion than this, that the avowed object of this bill is the true one; that the Canadas are to be invaded the next season; that the war is to be protracted: and that this is the real policy of the American Cabinet.

I will now reply to those invitations to "union," which have been so obtrusively urged upon us. If by this call to union is meant a union in a project for the invasion of Canada, or for the invasion of East Florida, or for the conquest of any foreign country whatever, either as a means of carrying on this war or for any other purpose, I answer, distinctly, I will unite with no man nor any body of men for any such purposes. I think such projects criminal in the highest degree, and ruinous to the prosperity of these States. But, if by this invitation is meant union in preparation for de-

fence, strictly so called; union in fortifying our seaboard; union in putting our cities into a state of safety; union in raising such a military force as shall be sufficient with the local militia in the hands of the constitutional leaders, the Executives of the States, to give a rational degree of security against any invasion; sufficient to defend our frontiers, sufficient to awe into silence the Indian tribes within our Territories; union in creating such a maritime force as shall command the seas on the American coasts, and keep open the intercourse, at least between the States: if this is meant, I have no hesitation; union on such principles you shall have from me cordially and faithfully. And this, too, sir, without any reference to the state of my opinion, in relation to the justice or necessity of this war. Because I will understand such to be the condition of man, in a social compact, that he must partake of the fate of the society to which he belongs, and must submit to the privations and sacrifices its defence requires, notwithstanding these may be the result of the vices or crimes of its immediate rulers. But there is a great difference between supporting such rulers in plans of necessary self-defence, on which the safety of our altars and firesides especially depend, and supporting them in projects of foreign invasion, and encouraging them in schemes of conquest and ambition, which are not only unjust in themselves, but dreadful in their consequences; inasmuch as, let the particular project result as it may, the general effect must be, according to human view, destructive to our own domestic liberties and constitution. I speak as an individual. Sir, for my single self, did I support such projects as are avowed to be the objects of this bill, I should deem myself a traitor to my country. Were I even to aid them by loan, or in any other way, I should consider myself a partaker in the guilt of the purpose. But when these projects of an invasion shall be abandoned; when men yield up schemes which not only openly contemplate the raising of a great military force, but also the concentrating them at one point, and placing them in one hand; schemes obviously ruinous to the fates of a free Republic—as they comprehend the means by which such have ever heretofore been destroyed; when, I say, such schemes shall be abandoned, and the wishes of the Cabinet limited to mere defence and frontier and maritime protection, there will be no need of calls to union. For such objects there is not, there cannot be, but one heart and soul in this people.

Mr. ARCHER said, so great was the respect which he felt for the House, so deep was the consciousness which he entertained of his inability to do justice to a cause, especially one of so much magnitude and importance, of which he might be the advocate, that he would be doing injustice to his feelings were he not to express the weight of the embarrassments which oppressed him. But the wide range which the present discussion had taken, involving con-

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siderations of great national interest, and calling forth the cruel asperities of political intolerance, seemed to leave him no alternative in the discharge of his duty, but to repel the unfounded insinuations which had flown in so copious a stream from the other side of the House. Were gentlemen to confine themselves to a temperate investigation of the propriety of adopting measures either recommended by the Executive, or proposed by the majority, who is there that would not listen with pleasure and satisfaction? But when the liberty of debate was prostituted in disseminating the most unfounded charges, in the indiscriminate abuse of the constituted authorities of the nation, he confessed he could not "always be a hearer, and never reply." The few observations he had to make would be without either system or arrangement, having bestowed no previous consideration on the subject, and should be confined not so much to the bill for raising an additional army, as the remarks and arguments of those gentlemen who had preceded him on the other side of the House.

And here, he said, he hoped to be permitted first to notice the charge which had been confidently made by a gentleman from New York (Mr. GOLD) against the majority of the House. He had asserted (and he seemed to dwell upon the assertion with peculiar satisfaction) that war had been declared by Congress prematurely and without due preparation; that to embark in a war with a powerful nation, without a large standing army, was impolitic in the extreme. This principle, said Mr. A., in the general might be true, but it had certainly no application to this country. Our Government was founded on the broad basis of popular opinion, liable to fluctuation upon the first appearance of any system which might be calculated to destroy the liberties of the people. A laudable jealousy of their rulers throbbed in the heart of every man in the country, who would seize the first opportunity to change an Administration that would raise a standing army in time of peace, whatever might be the professed objects of such an Administration. From this jealousy the natural result would be, that the men who raised the army would never declare the war which it was intended to wage. He would refer to the Administration of Mr. Adams. An army had been then raised, or attempted to be raised, to defend the country against an anticipated French invasion. The professed object was disbelieved, and the people, apprehending an invasion of their rights, removed from power the men who had voted for the army. All our institutions were repugnant to a standing army in time of peace. Anticipated invasion would seldom justify it, because it might be made a pretext for the purpose at all times, and with the most dangerous views. What had been said by the gentleman from Massachusetts (Mr. QUINCY) seemed to confirm this position, for he had expressed his fears of the army, even in a state of declared

war, when that army was to be employed out of the limits of the country; and if jealousy existed at such time, the conclusion would naturally follow that it would exist to a greater degree in a time of peace. The argument then of the gentleman, if it proved any thing, proved too much, because its effect would always be to frustrate the views of the Government, and prevent it from going to war to avenge even the grossest insult, or to assert even its most indisputable rights. But an appeal had been made with much confidence to the history of all Europe, to bear him out in the charge he had made, and it had been said that no instance of a nation's engaging in a war without having a well-regulated and disciplined army could be adduced. This, said Mr. A., will be admitted, but he presumed it was incumbent upon the gentleman to show that some analogy existed between the Governments of Europe and that of the United States, before his argument could have any application to the subject. There the people had no voice in the selection of their rulers. There the arbitrary will of the monarch was the law of the land, and his decrees, however oppressive or obnoxious, were enforced by the hand of power, without a murmur or complaint. There each Government is surrounded by kingdoms powerful and strong, the ambition of whose rulers prompts them to seize upon every occasion to enlarge the boundaries of their dominions. For one of these powers, even in the most peaceful condition of the world, to be destitute of a powerful and permanent military force, would evince an inattention to its own security and independence, which would demonstrate the incapacity of its monarch to govern his subjects, or to preserve the integrity of his possessions. But the dissimilarity of the Government and situation of the United States would show the inapplicability of the gentleman's maxim to this country. Here we have no powerful neighbor whose incursions we dread. Here we are happily removed, by a wide-extended ocean, from those nations who, upon a declaration of war by us, could overrun the country with a military force, or endanger its civil institutions. Here we have a people proudly jealous of their liberties, who will put down constitutionally every attempt in a state of peace to raise a Military Establishment. To have delayed, then, the declaration of war against England, until the ranks of the army authorized to be raised had been completely filled, would have been a most certain course to have defeated the object which Congress had in view. The jealousies and fears which would have been the necessary consequence of such delay, would have brought into power men of far different views; men who, if the natural conclusion to be drawn from the arguments of some of them could be admitted, would sooner submit to all the indignities we had received from Great Britain, than resist her. The war was therefore not declared prematurely, but was delayed to as late a period

as the nature of our institutions would permit. And, if what he had said would not be sufficient to satisfy the gentleman from New York of his error, the army that was so shamefully surrendered at Detroit, if it had been commanded by a man of spirit and fidelity, would long before this, by the possession which it would have given us of an important province of the enemy, have convinced him that war was not declared without preparation. But, for having said so much upon this point, some apology seemed to be necessary upon his part, and he could only say that he had been induced to do so, because, having been one of the majority who voted for war against England, the charge seemed to be an imputation against his character, which the duty every man owed to himself bound him to repel.

It had been said by a gentleman from Connecticut (Mr. FERRIS) that the nature of the war had been changed; the principal cause had been removed by the British Order in Council of June 28d, 1812, by which her previous orders were repealed; that it was a well-ascertained fact that war would not have taken place if this intelligence had reached the United States before its declaration; and that the Executive ought to have acceded to the terms proposed through Admiral Warren, and have terminated the contest. These were grounds which demanded some consideration, and he trusted that he would be able to show, from authentic documents, that his premises were erroneous, and that of course his conclusions did not follow. But he would now admit, for the sake of argument, (what he should hereafter prove incorrect,) that the Orders in Council were the principal cause of the war; he could not, for himself, see how, even then, the war ought in justice to have terminated. Did it follow that minor considerations should be placed out of view or yielded up entirely? Would it have been proper for the Government to have entered into no stipulations for the security of American seamen? Would it have been proper in them to have claimed on behalf of our citizens no indemnity for the vast amount of spoiliations which have been made on the property of American merchants? Unquestionably not. Until these considerations, admitting them to be of minor importance, should have been satisfactorily adjusted, to have made a peace, in his opinion, would have been the height of impolicy. Sir, said he, it is not sufficient that the injury should cease, but that ample compensation should be made for the commission of the wrong. This was the case every day between individuals in civil society, and why ought not the rule to apply with equal force to States, in their relation to each other? Justice was its foundation, and that would operate upon the one as well as the other. These considerations alone, perhaps, ought to be deemed sufficient to show that the course the gentlemen would have taken would have been unwise. But, supposing them to have no weight, he thought it

might be satisfactorily shown that, to have acceded to the terms proposed by the British Government, would have been an actual abandonment of the principal cause which had induced hostilities. To have negotiated without entering into an arrangement in relation to the important interest of impressment, would unquestionably have been a relinquishment of the right which we claimed, to be exempted from its exercise. But it was said that was a secondary consideration. From whence was this conclusion drawn? Were we more regardful of the property than the personal liberty of the citizen? Was it taken from an impression which had gone abroad in the country? or from the unofficial conversation of the members of the House? These opinions (if the expression were allowed) he would call extra judicial, and entitled to no consideration. But to show that impressment was the principal cause, he would resort to the best evidence of which the case was susceptible. He would appeal to the archives and records of the country, which, in his opinion, would be conclusive, to show what the opinions of Congress were upon that subject. And, in the first place, would call the attention of the House to the report of the committee to whom our foreign affairs were intrusted, which was made on the 29th of November, 1811. After commenting on the operation of the Orders in Council, they say:

"That they are not of that sect whose worship is at the shrine of a calculating avarice, and while they are laying before the House the just complaints of our merchants against the plunder of their ships and cargoes, they cannot refrain from presenting to the justice and humanity of their country the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss of (what would be dearer to Americans than life) their liberty; although the cries of their wives and children in the privation of protectors and parents have of late been drowned in the louder clamors at the loss of property; yet is the practice of forcing our marines into the British navy, in violation of the rights of our flag, carried on with unabated rigor and severity. If it be our duty to encourage the fair and legitimate commerce of the country by protecting the property of the merchant, then, indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed equally with those of the merchants, in advancing, under the mantle of its laws, the interests of their country."

Again, the same committee, in the report which they made to the House, detailing the causes which should induce the House to declare war, say, (after speaking of the evils flowing from the Orders in Council:)

"That they will proceed to the consideration of another wrong, which has been still more severely felt. This is the impressment of our seamen, a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our Revolution. That they cannot convey, in adequate terms, the deep sense which they entertain

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of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, Americans were seized in British ports, on the high seas, and in every other quarter to which the British power extends, were taken on board British men of war, and compelled to serve there as British subjects. In this mode our citizens were wantonly snatched from their own country and their families; deprived of their liberty, and doomed to an ignominious and slavish bondage; compelled to fight the battles of a foreign country, and often to perish in them. Our flag has given them no protection; it has been unceasingly violated, and our vessels exposed to danger by the loss of the men taken from them. That while this practice is continued, it is impossible for the United States to consider themselves an independent nation, for every case produces a new proof of their degradation."

These reports, by the adoption of the measures they recommended, were sanctioned by the Congress of the United States, and may be considered as furnishing strong, if not full and complete evidence, that the Legislative department of the Government considered the impressment of our seamen as the principal cause which impelled them to have recourse to the last resort of injured nations. The opinion of the Executive had been manifested in clear and explicit terms upon the subject, in the Message of the Chief Magistrate of the 1st of June, 1812. Thus we have these concurrent proofs against the assertions of the gentleman from Connecticut, (Mr. PIRKIN.) If, then, as it appears clearly to have been, from the documents before alluded to, that impressment was the principal cause of the war, that it was an injury which no independent nation could submit to without surrendering a portion of its sovereignty, would it not be admitted, even on the ground which had been taken, that, to have terminated the war by acceding to the propositions alluded to, would have been degrading to the nation, and have manifested the incompetency of the Executive to have conducted with firmness the helm of State which had been submitted to his guidance and direction? And no doubt could be entertained had such an event taken place, but we should have heard denunciations against the Administration proceeding from the very quarter whence they now flow. Then they would have been made with infinitely more justice, because they would have been supported by reason and by truth. We should have then found the opposition appealing to the sympathies of the people, and proclaiming that their most inestimable rights had been surrendered by Government in the pacification; that although they were originally opposed to a war, when it had once been declared they would have prosecuted it until the claim had been abandoned by the British Government. For, it cannot be concealed that unless, in the present contest, Great Britain can be compelled to relinquish her claim to the right of impressment, unless it be made the *sine qua non* by the American Government, to any arrangement of

the existing differences between the two nations, our claim to exemption from the practice must be forever given up, and Great Britain will feel herself at liberty to continue to exercise it with ten-fold rigor and severity.

Mr. A. declared that, notwithstanding the clamor of French influence and French alliance, he felt no apprehensions upon that subject, as he was well convinced it was not the intention or wish of our Government to engulf us in the unfathomable vortex of European warfare. One word to the gentleman from New York (Mr. GOLD) and he had done. It had been considered by him as a most unfortunate circumstance that we should be engaged in a war with Great Britain when Russia was struggling for her independence. The most amicable relations existed, it was true, between Russia and the United States; but would the gentleman have us on that account to submit to every species of indignity from the ally of that power? He beheld with as much detestation and abhorrence the conduct of the French Emperor as any man could possibly do. His ambitious progress was everywhere marked with blood. The vengeance of Heaven, he trusted, would arrest him in his career to universal conquest and dominion. The present condition of Russia, although her people groaned under a despotism of the most unrelenting nature, must excite the sympathy of every man in this country, because she was contending for her independence, and he would wish her complete success in the war in which she was now engaged, but that her triumph would protract the restoration of peace to his own country.

Mr. GRUNDY.—Mr. Speaker, had this debate been confined to the bill before you, I should certainly not have troubled the House with any remarks of mine; but as the gentlemen opposed to the war in which we are engaged have selected this as a fit occasion to bring before this House and the nation a full view of all the relations which exist between this and other countries, an apology at least is furnished for a member of that committee, to whose examination these subjects have been confided, to give his ideas upon the various points suggested. This I shall endeavor to do with temper and moderation.

I will now proceed to state, as accurately and as concisely as I am able, the manner in which the points in difference between the two nations ought to be considered.

Upon some of the subjects in controversy, for instance, that of impressment, negotiation had been tried unsuccessfully for twenty years, as I will show before I sit down, from the public records of the country; on others it had been tried for a shorter period. At the last session of Congress, when every hope of obtaining justice in any other way was lost, the United States declared war, not to procure a repeal of the Orders in Council only, but to obtain redress for the unjust spoliations which had been committed on the property of American citizens, and

to cause Great Britain to cease the practice of impressment. Other causes of irritation existed, but these were the prominent causes of the war. It may be taken as granted, in this discussion, that those orders are revoked, notwithstanding the objectionable manner of the revocation. You are now asked to lay down the sword before you have obtained any of the objects of the war, except the abolition of these obnoxious orders. I request gentlemen to reflect, whether this is not, in point of fact, an abandonment of the other points in dispute? Do you not, by ceasing to prosecute the war which is already commenced, declare, in the strongest possible terms, that you will not make war for the injuries which remain unredressed? Can any man persuade himself that you will obtain that by negotiation for which you have determined you will not fight! and that, too, from a nation at all times disposed to depress this growing country? That politician must have a very imperfect knowledge of the considerations which influence all Cabinets, who does not know that the strongest inducement which can be brought to operate in favor of an injured nation, is the apprehension of retaliation, or fear of war, entertained by the other party. I cannot, perhaps, establish this more clearly in any other way than by recurring to the history of a transaction which took place between the United States and Great Britain. Immediately after the attack on the Chesapeake, this Government demanded reparation. The terms proposed were reasonable, and such as a nation, inclined to act justly, would promptly have acceded to. For five years, or more, did the British Government refuse, or rather fail, to make that arrangement, which, at the last session, produced a satisfactory adjustment on that subject. Why, sir, was justice so long delayed, and why was it at last obtained? The British Minister discovered a determination in Congress to submit no longer. He saw that, unless something was done, friendly relations between the two countries must immediately cease. He saw that public sentiment called so loudly for an opportunity of obtaining that justice by force which had been refused to fair argument, that he granted us that reasonable satisfaction which had been so long withheld. Sir, had he not seen the approaching storm, no atonement for that wanton outrage on our national sovereignty had yet been made. If you now say that you will not prosecute the war, the enemy must view it as a decision pronounced by this Government, that war shall not be waged by the American nation for the impressment of her citizens, or for depredations committed on commerce. It might as well be said, in plain, intelligible language, that the ocean is to be abandoned by the people of the United States, except so far as depends on the will of Great Britain. If both the property and liberty of American citizens on the ocean are subject to her disposal, you cease to possess the rights of a sovereign and independent nation. For my own part, if we have the right to claim

security for the liberty and property of our citizens against that nation, of which no man dare express a doubt, I am for asserting it until the object is attained, or the ability of this nation fails; of the latter I have no fear.

It is pretended that this Government is not desirous of peace, and that this is a war of conquest and ambition. I beg gentlemen to refrain from making statements which they themselves do not believe. After the declaration of war, what has been the conduct of the Executive? Through Mr. Russell, our Chargé des Affaires at London, they have offered to conclude an armistice on terms which would remove every pretext for complaint on the part of Great Britain. He proposed that this country should exclude from her service British seamen. It is true that Lord Castlereagh urged Mr. Russell's want of powers, and stated that the American Congress alone could make the necessary provisions on that subject. If, however, sincerity had existed with the British Ministry, a temporary arrangement could have been made, by which hostilities would have been suspended until the legitimate authorities of this country could have expressed an opinion. If Mr. R. had not adequate powers to conclude an armistice, the proposition made by Mr. Monroe to Admiral Warren was not liable to the same objection. In substance, both propositions were the same; to the latter, no offer of compliance has been tendered. If I have any objections to the late overtures made by the Executive, it is that too great an anxiety for peace is manifested; but when the nature of our institutions is considered, a strong propensity for domestic quiet is discovered; and, therefore, the Administration should be indulged in any measure calculated to restore harmony between the two countries, provided the honor and interests of the nation are not compromised.

I ask gentlemen in opposition to lay aside party feelings, and reflect whether, if we now recede, points are not conceded to the enemy, which they would not yield if in power. They affect to be the followers of WASHINGTON. I will show them what his opinions were on the subject of impressment. From them the pretended Washingtonians of the present day will discover their degeneracy. Yes, sir, the Father of his Country too well understood the value of liberty ever to consent that the most obscure individual of his country should be deprived of it by a foreign despot. So early as the year 1792, the British nation commenced the practice of impressment, as now exercised by it. On the 11th day of June, in that year, the then Secretary of State addressed a letter to Mr. Pinkney, the American Minister at London, in which the practice of impressment is strongly reprobated; and let it be remembered, that although this letter was written by the Secretary, it contained the sentiments of the President of the United States. In order that the House may more fully comprehend what were the sentiments of that man, whose memory we

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all venerate, I will read so much of the letter referred to, as relates to this subject:

"The peculiar custom in England of impressing seamen on every appearance of war will occasionally expose our seamen to peculiar oppressions and vexations. It will be expedient that you take proper opportunities in the mean time of conferring with the Minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him; which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation—one with which seamen would never have the precaution to comply. The casualties of their calling would expose them to the constant destruction or loss of this paper evidence; and thus the British Government would be armed with legal authority to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such."

If, at so early a period, the right of search for men was objected to by this Government, how much more forcible is the objection now? We were then a young nation; we have since increased in resources by which our rights can be maintained; whilst the violation of those rights have been augmented in a greater degree. On the 6th of November, 1792, the Secretary of State wrote to the American Minister at London a letter, in which, when speaking on the subject of impressment, the following language is used: "It is unnecessary to develop to you the inconveniences of this conduct, and the impossibility of letting it go on. I hope you will be able to make the British Ministry sensible of the necessity of punishing the past and preventing the future." I know, Mr. Speaker, that there is danger of fatiguing the House by recurring to documents of this sort, but my apology is a good one: those to which I refer have never been printed for the information of the members of this House, nor have the public had an opportunity of inspecting them. I hope, therefore, to be indulged in pursuing the sentiments of former Administrations further on a subject of so much interest. On the 20th of February, 1800, Mr. Pickering, Secretary of State, addressed the President of the United States on the subject of a proposed treaty between the two countries, upon which occasion he makes the following remark: "That he transmits Mr. Liston's note of the 4th of February, together with his project of a treaty for the reciprocal delivery of deserters; which appears to the Secretary utterly inadmissible, unless it would put an end to impressment; which Mr. Liston seemed to imagine, while the seventh paragraph of his project expressly recognizes the right of impressing British subjects, and consequently American citizens as at present." Mr. Wolcott, Secretary of the Treasury, when giving his opinion to the President, says—"That the project of a treaty proposed by His Britannic Majesty for the reciprocal delivery of deserters from the land and naval service, does not suffi-

ciently provide against the impressment of American seamen, and is therefore deemed inadmissible."

Mr. Stoddert, who acted as Secretary of the Navy, at that period, when advising the President on the same subject, says—"That the Secretary is clearly of opinion that it is better to have no article, and meet all consequences, than not to enumerate merchant vessels, on the high seas, among the things not to be forcibly entered in search of deserters."

The letter of the present Chief Justice of the United States to Mr. King, Minister at London, dated on the 20th of September, 1800, places this subject in a strong light; he says—

"The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and the honor of the nation. This valuable class of men is composed of natives and foreigners, who engage voluntarily in our service. No right has been asserted to impress the natives of America. Yet they are impressed; they are dragged on board British ships of war, with the evidence of citizenship in their hand, and forced by violence then to serve until conclusive testimonials of their birth can be obtained. These must most generally be sought for on this side the Atlantic. In the mean time acknowledged violence is practised on a free citizen of the United States by compelling him to engage and to continue in foreign service. Although the Lords of the Admiralty uniformly direct their discharge on the production of this testimony, yet many must perish unrelieved, and all are detained a considerable time in lawless and injurious confinement. It is the duty as well as the right of a friendly nation to require that measures be taken by the British Government to prevent the continued repetition of such violence by its agents. This can only be done by punishing and frowning on those who perpetrate it. The mere release of the injured, after a long course of service and of suffering, is no compensation for the past and no security for the future. It is impossible not to believe that the decisive interference of the Government in this respect would prevent a practice, the continuance of which must inevitably produce discord between two nations which ought to be friends to each other."

In another part of the same letter, Mr. Marshall observes, "the United States require positively that their seamen who are not British subjects, whether born in America or elsewhere, shall be exempt from impressment."

From these documents we clearly collect what was the view which the first and second Presidents of the United States had on this subject, and that of the principal officers of the Government. It appears that this exemption from impressment is no new claim set up by men now in power. It is as old as the Government itself, and there never has been, nor can there be, an Administration in this country who dare surrender this point to any foreign power. Once relinquished, we had as well abandon the ocean altogether. If the liberty of American citizens is to be subject to the will, not of the English Government, but what is infinitely worse, of every petty officer that navi-

gates a British ship, it is in vain that we boast of freedom; we do not possess it; and only let the British Government understand you distinctly on this point, and you need talk no more of American commerce.

It has been said, by a gentleman from North Carolina, (Mr. PEARSON,) that, if we exclude British seamen from our service by law, one of two things must happen—either a peace would be the result, or the people of this country *all* unite in a vigorous prosecution of the war. If I have mistaken the meaning of the gentleman, I wish him to correct me at this time, and answer the question directly, if, in that event, he will support the war? [Mr. PEARSON explained.] Mr. GRUNDY proceeded: Sir, from the explanation given, it will, I fear, be as difficult to come to an understanding with that gentleman, as it is to accommodate the points in dispute with the British Ministry; for, although the gentleman says he will not surrender an essential right of the country, a question might be made by him as to what were essential rights. I will, nevertheless, Mr. Speaker, make one more effort to elicit the opinion of the gentleman on this subject. I ask him whether he considers the impressment of American seamen “a violation of an essential right of this country?” [Mr. PEARSON said he so considered it.] Then, said Mr. GRUNDY, from the gentleman's own declaration he is bound to support us in the war, if the principle of impressment is not relinquished by Great Britain. I have no hesitation in saying that, in a time of peace, I am willing British seamen, not naturalized in this country, should be excluded from our service. I believe that such a regulation would inflict no injury or inconvenience on the country. Whenever, therefore, a proposition to this effect is made, so as to take effect at the conclusion of the war, I shall vote for it. I consider it a direct encouragement to our own seamen, calculated to foster and cherish the enterprise and industry of that important class of our citizens.

#### THURSDAY, JANUARY 7.

MR. BLECKEE.—Mr. Chairman: I have a very few, very desultory, and I fear very unimportant observations to make on the subject now before the committee. They will be few, not because the subject does not abound with various fruitful and interesting topics, but because an indisposition of some days has unfitted me for any considerable effort of memory.

I was opposed to the war when it was declared, because I was confidently persuaded that the evils of which we complained were of a nature not to be remedied by war. I thought, too, sir, that by entering into war, we were plunging ourselves into evils a million fold greater than those from which we sought to be relieved. I was opposed to the war, because I thought that, notwithstanding all the decrees and orders of the belligerents affecting our neu-

tral rights, we might enjoy a commerce more extensive and profitable than we could have in a time of European peace. The war in Europe was, in fact, a blessing to this country. I was opposed to the war, because I knew that the whole of one of the great political parties in the Northern and Eastern, the most commercial section of the country, which was most interested in the avowed objects of the war, openly condemned it; and I believed that a great portion of the other party was secretly opposed to it. This objection was to my mind perfectly conclusive. If there had been no other reason against the war, this was enough. What, sir, go to war when that part of the country which has most of its wealth, strength, and resources, is decidedly opposed to it! go to war for commercial and maritime rights, when the people of that part of the country which is principally interested in its commerce and navigation, openly execrate war!

It seemed to me that it became legislators who were disposed to exercise a paternal regard over the interests of the nation, to give up their own opinions, their prejudices and partialities rather than go to war with a people thus divided. And permit me to say, sir, without any disparagement to the members of this House, that thousands and tens of thousands of the inhabitants of that part of the country of which I have been speaking, are as competent to understand the true interest and honor of the nation, as gentlemen who happen to be members of Congress.

I was opposed to the war, because I thought it might expose our happy form of Government—our excellent political institutions—to a dangerous trial. I was afraid, sir, that the war might produce a pressure upon the Government which it would not be able to sustain. I was opposed to the war, and this was the bitter draught, because it brought us into concert and co-operation with the great destroyer, the grand enemy of freedom and humanity throughout the world. I was opposed to the war, because I believed the state of things in Europe, out of which our difficulties arose—a state of things which the United States had no power to control—was in its nature transient. Rather than plunge ourselves into the vortex of European politics; rather than encounter the evils and dangers of war, I thought it would be wise and prudent to wait until “the troubled waters should subside, and the ancient landmarks of the world reappear above the flood;” with a living statesman, I thought I saw in the very cloud which blackened all our horizon, the bow which was set for a token, that the tempest would not be forever.

But, sir, war was declared, and the doctrine has since been promulgated, that it is now the duty of every man to support it; that all inquiry must be hushed, and all examination of its expediency and propriety cease. So far as this doctrine inculcates obedience to the laws, it has my cordial approbation; but inasmuch as it de-



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nies the right of the citizen to examine into the causes of the war, to express and publish his opinions respecting its policy, it is an insult to the understanding of an intelligent people, and inconsistent with the character and spirit of the constitution. War is declared by law. How shall the law be repealed? How can we get rid of the war, if we may not say that it is inexpedient, impolitic, and ruinous? How abominable the doctrine is, that the declaration of war shuts the door against all inquiry, is manifest from the consideration, that it would enable a wicked Administration to perpetuate its power by declaring war. Again, sir, I would ask the advocates of the doctrine I am reproaching, when will it be proper to show the folly and ruinous consequences of the war? Suppose the war to have continued five or ten years, and the country to be impoverished, its commerce annihilated, its resources exhausted, its best blood expended in wild and fruitless projects of conquest, the people oppressed by debts and taxes, will it then be deemed improper to expose the absurdity and mischief of continuing the war? Surely, sir, it will be patriotic and laudable to alarm the people, to entreat them to put an end to that which is the cause of their calamities. And if such conduct will *then* be proper, it must be laudable and patriotic *now* to show them their evils and dangers, and to point them to the means of escape.

But, sir, what has been the state of the country since the declaration of war? I speak again in reference to public opinion. The people of the North and East have poured out their feelings and opinions, their complaints and groans, in addresses, petitions, resolutions, and remonstrances against the war. Look, sir, at the Presidential election, and you see all the Northern and Eastern States, with the exception of Vermont, arrayed against the Administration. You see the people disregarding the old line of party division and distinction. Yes, sir, in spite of such division and distinction, "burying their mutual animosities," their ancient prejudices, "in their common detestation" of the policy of the Government, rising up in their might and strength to manifest their hostility to the course of measures it has pursued. This, Mr. Chairman, is a state of things which ought to arrest the attention, and engage the reflection of the National Legislature, for without that section of country our strength is weakness. I know how ungracious and invidious topics of this kind are to some gentlemen. But, sir, we cannot help it that the country is made up of sections. We are legislating for such a country, and it is our business and duty to regard the circumstances, the interests, and feelings of the people of different parts of the Union. We declared war for commerce; the people most interested in commerce were opposed to it. We continue the war for sailors' rights, and three-fourths of our native American seamen belong to New York and the Eastern States, the people of which are

sighing for peace. It ought to be remembered, too, sir, that the war itself must have the effect of driving a vast portion of our sailors out of the country into foreign service.

But, Mr. Chairman, whatever may have been the reasons for declaring war, the question is not now what it was when war was declared. Our relations with the belligerents have materially and essentially changed. So much have they changed, that I declare, without fear of contradiction, that had they been on the 17th of June last what they now are, we should not have gone to war. I hope no gentleman of this committee will deny this. But if any gentleman should deny it, the nation will not believe him. Sir, we have received new, important, and interesting evidence of the true state of our foreign relations since the declaration of war. Facts which were then unknown, and which have shed a flood of light upon the situation and policy of the United States, have since been published to the world. The repeal of the Orders in Council itself, by removing the principal cause of the war, has produced a most material change; for had they been repealed before the war was declared, there would have been no war; and let it be remembered, that they were repealed before the war was known in England. But this is not all to which I refer. I mean to speak of the evidence we have received respecting our relations with France; and I hope gentlemen will not be startled or offended by what I am about to say. I declare confidently and boldly that *Napoleon has inveigled us into the war*. He has cajoled and deceived us. But for his arts, intrigues, and duplicity, the United States would not now have been at war with Great Britain. Yes, sir, he has led us on step by step, until he brought us to the edge of the precipice, and plunged us into the abyss. We have been humbled and mortified. He has triumphed over our character, our honor, our rights, our independence. I do not say these things hastily, carelessly, or lightly. And I will add, that after the discovery of the deceit and duplicity which the Emperor of France has practised upon us, it became the duty of this Government to go back to the ground it occupied before the President's proclamation of November, 1810, or to declare immediate war against France. A proper regard to the honor, the character, and independence of the country, demanded this of its Government.

Sir, the proof of what I have said is plain; and it is time that it be stated here, and spread before the nation. I beg the attention of the committee to the facts on which it rests. I need not go back farther than to the law of May, 1810, which provided that the non-intercourse act should cease, as to that belligerent which should *first* repeal its decrees violating our neutral rights, and that it should operate on the other, which should fail so to do, within three months after the President's proclamation of the fact of such repeal. This law, and the

conduct of the President under it, are the immediate cause of the war, and the present unhappy state of the country. On the 5th of August, 1810, the Duke de Cadore wrote his famous letter to General Armstrong, the American Minister in Paris, stating that the Berlin and Milan decrees would, upon certain conditions, cease on the first of November then next. On the authority of this letter, the President of the United States issued his proclamation, declaring the fact, that the French decrees were repealed. But the British Government, not considering the letter of the Duke de Cadore sufficient evidence of their repeal, did not revoke their Orders in Council, and, in consequence, our non-intercourse act went into operation against Great Britain the February following. Notwithstanding the proclamation of the President, great doubts existed in this country, whether the French decrees were in fact repealed. To remove these doubts, to confirm the proclamation, to prevent inquiry and investigation in the judicial tribunals of the country, the act of March, 1811, was passed. Yet, sir, it has ever since been denied that the decrees of Berlin and Milan were repealed. The public prints have teemed, and the tables of this House have been loaded with the proofs of their existence and execution. You remember, sir, an impressive argument, in many respects original, an unanswered and unanswerable argument of the honorable gentleman from Virginia (Mr. RANDOLPH) on this subject in this House, towards the close of the last session. But, sir, notwithstanding all this, this Government persisted in declaring that the French decrees were repealed. I do not mean to discuss that stale matter. The statement I make is necessary to my present purpose. The question of their repeal was the subject of a very voluminous and long-continued correspondence between Mr. Foster, the British Minister, and our Secretary of State. The discussion, I believe, was protracted to the last moment of peace. War was declared on the 18th of June. Some weeks afterwards, appeared in this country a decree of Napoleon, issued in May last, and bearing date the 28th of April, 1811. This is an extraordinary paper, and deserves some attention. I will read it:

“APRIL 28, 1811.

“*Napoleon, Emperor of the French, &c.*

“On the report of our Minister of Foreign Relations:

“Seeing, by a law passed 2d March, 1811, the Congress has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering the ports of the United States.

“Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral powers and of their flag; we have ordered, and do decree, as follows:

“The decrees of Berlin and Milan are definitively, and to date, from 1st November last, considered as not existing in regard to American vessels.”

Now, sir, did this decree exist at the time of its date? No, sir, the date is *fales*. If the decree existed in April, 1811, why was it not communicated to this nation, the only one interested in the subject? Why was it not communicated to Mr. Russell, who so strongly urged upon the French Government the necessity of furnishing some evidence of the repeal of the decrees. For the purpose of communicating some satisfactory information on that subject to this country, he detained the John Adams in France, in July, 1811. You will remember Napoleon's decree is dated in April. Permit me here to read a passage of Mr. Russell's letter to Mr. Monroe, dated the 15th of July, 1811.

“On the 14th of June, Mr. Hamilton, of the John Adams, reached Paris, and informed me that this vessel had arrived at Cherbourg. Unwilling to close my despatches by her, without being able to communicate something of a more definite and satisfactory character than any thing which had hitherto transpired, I immediately called at the Office of Foreign Relations, but, the Minister being at St. Cloud, I was obliged to postpone the interview which I sought until the Tuesday following. At this interview, I stated to him the arrival of the frigate, and my solicitude to transmit by her to the United States some act of this Government, justifying the expectation with which the important law which she had brought hither had, undoubtedly, been passed.”

After Mr. Russell had left Paris, he wrote from England to Mr. Barlow, who succeeded him, “for additional proofs of the removal of the decrees.” Mr. Barlow seems to be very anxious “to get the treaty through, carrying an unequivocal stipulation, that shall lay that question to rest.”

But it was all in vain; no authentic evidence of the repeal was furnished. This decree did not exist; and why was it not issued? Why was the evidence of the repeal of the decrees withheld? The answer is obvious. *The United States were not yet committed to go to war with Great Britain.* Napoleon knew very well that when proper evidence of the repeal of his decrees was furnished, the English Orders in Council would be repealed, and the United States would not go to war with Great Britain. For, sir, he knew very well, and we know very well, that for the subject of impressments alone, this country would not go to war. It cannot be denied, that for this cause we should not have declared war. This Government has never been disposed to go to war on that ground alone. The present President of the United States made an arrangement with Mr. Erskine, which gladdened the heart of every man in the nation, without any provision on that subject, without any mention of it; and there was not a murmur in the country, on account of its omission. Mr. Pinkney, too, as stated by the gentleman from Georgia, (Mr. TROUP,) yesterday, again and again, offered to accom-

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modate with England, on the rescinding of the Orders in council, without any reference to impositions.

Sir, this decree itself is an insult to this Government. It is issued expressly, because we had taken our stand against England; it is declared to be issued in consequence of our act of March, 1811, when, in fact, the President's proclamation and the act of March were founded on the repeal of the decrees. To show the correctness of my remarks on this part of the subject; to show that Napoleon has triumphed over our honor and character, I beg leave to call the attention of the committee to Mr. Russell's letter to Mr. Monroe, dated the 9th of June, 1811. His language does credit to his understanding and feelings:

"To have waited for the receipt of the proclamation, in order to make use of it for the liberation of the New Orleans Packet, appeared to me a preposterous and unworthy course of proceeding, and to be nothing better than absurdly and basely employing the declaration of the President, that the Berlin and Milan decrees had been revoked, as the means of obtaining their revocation. I believed it became me to take higher ground, and without confining myself to the mode best calculated to recover the property, to pursue that which the *dignity* of the American Government required.

"A crisis, in my opinion, presented itself, which was to decide whether the French edicts were retracted as a preliminary to the execution of our law; or whether, by the non-performance of one party, and the prompt performance of the other, the order in which these measures ought to stand was to be reversed, and the American Government shuffled into the lead, where *national honor* and the law required it to follow."

It would have been *base* to have employed the President's proclamation, that the Berlin and Milan decrees had been revoked as the means of obtaining their revocation. But what, sir, is the price we have at length paid for the repeal? The President's proclamation was not enough; the act of March added to it was not enough; we could not procure the revocation till we went to war. For, sir, the Emperor would not issue this decree till he knew that we were pledged and committed to go to war with Great Britain. How he knew this, sir, it is not for me to say. We all know, however, that he had all the acts of this Government to satisfy him of the course we were pursuing—the step we were about to take. He had the President's Message, the report of the Committee on Foreign Relations, the war speeches of the members of this House, the laws for raising armies, and the embargo. In the month of May, then, when the policy of this country in relation to Great Britain was settled, he issued his decree, just in such time, too, sir, that it could not reach this country till we had plunged into the war. And well, in such a state, might he repeal his decrees, which, by the war itself, would be superseded—would become a nullity.

Thus, sir, believing the French decrees to be repealed, we departed from our neutral stand by enforcing the non-intercourse law against Great Britain. We have in vain waited for such evidence of their repeal as would have induced Great Britain to rescind her Orders in Council—the great cause of the war. Their revocation depended upon the repeal of the French decrees; and had they been revoked, there would have been no war between the United States and Great Britain. The decree, declaring the edicts of France to be revoked, is at length issued, when the Emperor knows it is too late to prevent the war. The decree is communicated to the English Government, the Orders in Council are revoked on the ground of the repeal of the French decrees, but the United States have declared war. How, sir, can I make this matter plainer? Our whole course against Great Britain has proceeded from the belief of the repeal of the Berlin and Milan decrees; but that evidence of their repeal, which would have stopped our course, by means of which the Orders in Council would have been revoked, and the war would have been avoided, is withheld till the Emperor knows that war is inevitable. Thus, sir, have we been duped, deceived, and inveigled.

I repeat it, sir, had we, on the 17th June, understood our foreign relations as we now understand them, we should not have declared war. And would it not have been just and magnanimous in this Government, when all doubt was removed on the subject of the French decrees, to have acknowledged its error? Did not the honor, the character, the independence of the country require of us to go back to our original neutral ground? I rose principally for the purpose of presenting this view of the arts and deceit of the French Emperor to the committee. I regret that I have not done it more fully and clearly; and I hope that some gentleman more competent to a proper examination of the subject will yet take it up before we get through this discussion.

Mr. TALLMADGE said he felt a peculiar embarrassment in rising to offer to the consideration of the committee some of his own reflections on the important subject now under debate, from a twofold consideration. In the first place, the magnitude of the question might claim the aid of more exalted talents than he pretended to possess, and, therefore, to do it justice, he feared, would not be in his power. For, said Mr. T., in the extensive range of debate which has been permitted by the Chair, the whole field of our foreign relations has been open to examination, and the policy of our own Government in relation to Great Britain has been deemed fairly within the range of discussion.

In the second place, the gentlemen who had preceded have occupied the ground so ably, and discussed the subject so extensively, that it was somewhat difficult to present arguments entirely novel to arrest the attention of the committee. Having a belief, however, that there were some

important considerations, in relation to the bill now under debate, which had not yet been brought into view, he begged the attention of the committee while he endeavored to lay before them the views which he had taken of the subject, and which constrained him most decidedly to oppose the passage of the bill.

Before I enter upon the merits of the subject, said Mr. T., I take occasion to express my hearty assent to declarations made by honorable gentlemen that this is no time to indulge the bickerings of party; and that it is greatly to be desired that all distinctions of this sort were entirely laid aside and forgotten. Sir, I should consider it the most auspicious event of my life if I could see every gentleman on this floor determined to take and maintain the true old American ground occupied by the patriots of '76. Although it may be painful to the feelings of an honorable mind to be assailed with odious appellations, and charged with duplicity and falsehood, yet the mind which has virtue for its basis, a conscious integrity for its support, and firmness sufficient to enable the man to do his duty, may hope to pass unhurt by such malicious darts.

Standing, as I do, in the highly-responsible situation of one of the legislators of this extensive country, I hope to have stability and integrity sufficient to enable me to discharge my duty to my constituents. If, after having passed through the Revolutionary war, and having never changed my political creed to the present day, an odious epithet could induce me to alter my course, I should be unworthy the confidence of my country. But whence, Mr. Chairman, proceeds this system of slander and abuse? From the foul presses of our country. To whom are some of the fairest characters which have ever adorned this or any other country indebted for the odious epithets of monarchists, foreign agents, tories, and the like? To your imported patriots, who, weary of the dull pursuits of industry on their native soil, or escaping from the justice of the laws of their own country, have fled to this happy land to instruct its inhabitants in the true principles of liberty and equality.

To this set of newly-fledged politicians, and men of a similar stamp, is this once happy country indebted for one-half the miseries and much of the disgrace which it suffers.

I have been led into this digression in consequence of remarks which have fallen from the other side of the House, but will now return to my subject.

A gentleman from New York, (Mr. Stow,) who addressed you early in this debate, told us that he reprobated the war, and had no confidence in the Administration to conduct it to a successful issue, but should vote for the bill to enable them to carry it on. This is strange political logic to my understanding. While I subscribe fully to his premises, the reasonings of my mind bring me to a very different result. Because I deprecate this war as pregnant with

great evils, if not ruin to my country, I will, therefore, take all constitutional measures to bring it to a speedy and honorable close; and because I have no confidence in the Executive department of our Government, nor in the subordinate agents who have been appointed to vote for this bill, which, if adopted, will enlist still greater evils on this devoted country.

In presenting the subject to this honorable committee, in its most appropriate form, it may be proper to examine into the prominent causes of our dispute, which has terminated in open war with Great Britain. These I take to be three, viz:

1. The Orders in Council.
2. Impressment of our seamen.
3. The attack upon the Chesapeake.

That we may narrow the point in controversy as much as possible, I remark that ample and satisfactory atonement having been made for the violation of our rights by the attack on the Chesapeake, one cause of disquietude and a prominent one too, has been finally removed. It has indeed been frequently remarked on this floor, that the satisfaction offered for the unauthorized attack on the frigate Chesapeake was long delayed, and very reluctantly offered. However painful it may be to censure the conduct of our own Government, yet a sense of justice obliges me to say, that to every overture made by Great Britain to accommodate this unpleasant affair, our Administration attached some exceptionable condition which closed the door to an amicable adjustment. The committee cannot have forgotten the early disavowal of this wanton aggression on the honor of our flag by the British Government, and the tender of satisfaction which was made, but failed because our Minister was instructed to couple with this complaint the subject of impressment; nor can they have forgotten how indignant the Ministry and nation were when the President assumed the right of judging what would best comport with the honor of their King. Few, I believe, who read the offensive remark, expect a different result from that which ensued. And while I am upon this subject I take occasion to remark, that in all our attempts to negotiate with the British Government there seems to have been some untoward circumstance, some unfortunate condition, either accidentally or intentionally, attached to the question at issue, which has defeated the negotiation.

It would be within the scope of my present plan to take a particular review of the British Orders in Council, as well as the subject of impressments. But inasmuch as the documents relating to these two subjects have been laid on every gentleman's table; and more especially when I reflect that both topics have been very ably discussed by some gentlemen who have preceded me, and especially by the gentleman who has just sat down, (Mr. BLANCHARD,) I shall content myself with taking but a brief

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review of these prominent, and I may add, the only remaining causes for the present war. As to the Orders in Council, it ought not to be forgotten, that during several lengthy discussions to obtain their repeal, as well by our Ministers in London, as at this place, they have been considered as the prominent point in dispute. So, again, as to the origin of our restrictive system; it cannot be forgotten that the friends and abettors of those measures uniformly professed that they were adopted as retaliatory for the Orders in Council. From the first partial non-importation act, which passed on the eighteenth of April, 1806, down to the law of the second of March, 1811, the object has been, on the very face of the law, to procure a repeal of the Orders in Council, and of the Berlin and Milan decrees. If any doubt should remain on the mind of any member of this committee as to this fact, I beg him to turn his eye to the restrictive code, and I presume he will find the evidence to be abundant and complete. In this system of anti-commercial regulations, I find the origin and progress of our present political calamities. And here, Mr. Chairman, I shall readily admit, that we had grievances and complaints, great and heavy, against both of the belligerents; nor have I the least inclination to palliate or excuse them. My object is to show, what I have uniformly expressed on this floor, that our system of non-importation, non-intercourse, and embargo, have been directed against the Orders in Council, as to Great Britain, and nothing else; and finally, have brought this country into a ruinous war. Is there a man within these walls, who does not now believe (as was fully predicted when the law passed) that the conditions held out to the two great belligerents, to induce them to repeal their obnoxious edicts, violating the neutral commerce of the United States, placed the execution of our law in the hands of a foreign Government? Is there a man of ordinary capacity in the United States, having the means of information, who now believes that the Berlin and Milan decrees were repealed on the 1st of November, 1810, according to the proclamation of the President of the United States, solemnly announcing that fact; and that they thenceforward ceased to violate our neutral commerce? Does not candor constrain all to confess that, long after the pretended repeal of the aforesaid decrees, our commerce was harassed in every sea where French cruisers could reach it? Need I point you to the piratical seizures and burning of American property in the Baltic, the Mediterranean and the Atlantic seas, by the privateers and fleets of the French Empire; subsequent to this pretended repeal, and sanctioned expressly by its authority? If all other evidence should be deemed insufficient, I inquire whether the French Emperor himself has not sufficiently humbled this country (if indeed our cup of humiliation had not been full before) by his own formal ante-dated repeal of his Berlin and Milan decrees, long subsequent to the time

imposed on the President by the Duke of Cadore?

It cannot have escaped the attention of the committee, or of the nation, that Napoleon's decree, respecting the Berlin and Milan decrees, bears date the 28th of April, 1811, and is explicitly bottomed on the law of Congress passed March 2, 1811; the sole object of which law was to confirm the proclamation of the President which had then been issued more than four months, and the legality of which had become very questionable. This decree may be found among the documents accompanying the President's Message of November 4th, 1812, and on the forty-sixth page of those printed papers.

If further evidence should be needed to prove the abominable fraud of this transaction, it may be found in the correspondence of our Minister at Paris, in the summer of 1811, wherein he remarks, that he had repeatedly demanded evidence of the repeal of the Berlin and Milan decrees, but none could be obtained. And yet, forsooth, we are now furnished with a decree dated in April preceding, but not issued until we are so entangled in French toils, that war with Great Britain was inevitable. If this fact alone had been understood, I put it to the candor of this honorable committee to say, whether they would have consented to the declaration of war against Great Britain at the time and for the reasons which were given? I say, without fear of contradiction, that they would not. If my premises are true, and the inference undisputed, since the Government has been grossly deceived and drawn into this war, for reasons and causes which did not then exist, most assuredly it becomes our duty as well as interest to relieve the country from its pressure as soon as possible.

In addition to all this, it is a singular fact in the history and progress of this war, that in five days after its declaration, (viz. on the 23d of June, 1812,) and as soon as the aforesaid decree of the French Emperor was made known to the British Ministry by Mr. Russell, an Order in Council was issued, repealing the former obnoxious orders, which had been ostensibly the most prominent cause of the war; and yet the President has never issued his proclamation announcing that fact, as by the terms of the law of March 2d, 1811, he was expressly bound to do. On this failure of the President to do what the law enjoined on him to perform, as well as having issued his proclamation of November, 1810, without possessing the facts required by the law to support him, I make no comment. The account is still unsettled between him and this injured country.

The Orders in Council having thus been revoked, the continuance of the war seems to rest upon the impressment of our seamen alone. Give me leave then to inquire into the grounds of this practice, as claimed by Great Britain. Is it not bottomed on the ancient doctrine of perpetual allegiance—or in other words, that the native-born subject can never so expatriate, as that

the mother country may not claim his service in time of war? Is this a novel doctrine, either as to time, or the nation who now attempts to enforce it? I venture to say that Great Britain has practised upon this principle ever since she has been a nation; and it is farther manifest that France, and all the maritime powers of Europe, have maintained the same doctrine. Nay, sir, we maintain the same doctrine in our own country; in proof of which; witness the President's proclamation at the commencement of this war; and notice also the recent case of Clark the spy, who was condemned to suffer death by a court martial, and was pardoned by the President on the ground of his owing allegiance to the United States, although residing in an enemy's territory, and having been naturalized or sworn allegiance to the King of Great Britain. Hence it would seem, that the principle set up was not novel nor singular. But what is the principle in contest between the two Governments? Great Britain claims the right to visit neutral merchant ships on the high seas; and if she finds any of her natural-born subjects, to take them into her service. The Government of the United States denies to her this right, and asserts, that a foreigner naturalized in this country, is absolved from all allegiance to the parent State. The practice of Great Britain under her principle, has undoubtedly subjected some of our native citizens to capture and involuntary service, from causes which I need not here repeat. In all such cases, I take it to be admitted on all hands, that she sets up no claim, and therefore every abuse of this sort is capable of remedy. But on this head I have no hesitation in expressing my unqualified belief, founded on documents which have been laid on our tables, that the list of such impressed seamen is greatly exaggerated. Out of the number six thousand two hundred and fifty-seven of American citizens said to have been impressed, and forming a standing head piece to the list of our grievances, I very much question if five hundred native Americans can be found among them all. The documents lately furnished by the Secretary of State, if carefully examined, will serve very much to substantiate this fact. Many names are there returned who have only forwarded their claims to our Consul at London, and who, very probably, never set foot on American ground. Others again are continued on the list who have been discharged years ago, and others who have voluntarily engaged in her service.

The question then at issue, I take to be this—Shall the war with Great Britain be continued to oblige her to relinquish the practice of taking from our merchantmen her native British sailors? If we could obtain the principle by continuing the war, I think it can be demonstrated, that it would be injurious to the American seamen to have it so established, inasmuch as it would, by increasing the number of our seamen, necessarily diminish their wages. But, circumstanced as Great Britain is, contend-

ing for her existence against the most formidable power on earth, and resting her last hopes upon her navy, I presume she will never relinquish the principle.

The inquiry has been made, with some solicitude, what will you do with *naturalized foreigners*? I answer, treat them hospitably, and extend the arm of protection and all the blessings of government to them while they continue within your territorial jurisdiction; but if they leave your territory, and choose to go upon the great highway of nations, the risk and the choice are their own, as will be the peril. Put the case fairly to the yeomanry of our country, and let them understand the subject, that this war is to be carried on for the purpose of protecting foreigners while sailing on the high seas, and I very much incline to the opinion, that they would dismiss the authors of this war from further service, or oblige them soon to bring it to a close. Sir, I will not consent to waste one drop of pure American blood, nor to expend a single dollar, to protect, on the high seas, all the vagabonds of Europe. Valuable as may have been the acquisition in obtaining many great and good men as emigrants from Europe, still I must maintain the opinion, that all the blessings of liberty and domestic government, which are secured to them in common with our native citizens, ought to be an ample compensation. I know it is no easy matter to draw the precise line where protection shall cease; but in a question of such moment as peace or war, the prosperity and happiness, perhaps the misery and ruin of our country, I cannot hesitate as to the course proper to be pursued.

With respect to protections, they have become so much a matter of bargain and sale, that having been counterfeited and sold in almost every port in Great Britain, as well as in America, they have long since ceased to answer any valuable purpose. It has been a fact long since well established, that a foreigner, who could scarcely speak our language, could procure a protection in Great Britain purporting to be evidence of his *American citizenship*. This then may account for the light and contemptuous treatment given to this species of evidence by the officers of the British navy.

FRIDAY, JANUARY 8.

*Mounted Rangers.*

Mr. JENNINGS said that it must be recollected by the House, that the act which was passed at the last session of Congress, for the raising certain companies of rangers for the protection of the frontiers, had expired. Those rangers were raised under the apprehension of attacks from the savages; and these apprehensions have unfortunately been realized far beyond the general anticipation. When those companies were raised, Mr. Speaker, we expected long since to have taken possession of the British Province of Upper Canada, thereby to have intercepted

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the connection and communication between the British and the northwestern Indians. It will therefore readily be perceived, that in consequence of our disappointed expectations in that quarter, the northwestern frontier will be more exposed to the savage knife and tomahawk, at the opening of the approaching spring, than they have been heretofore. This description of force, if again organized, and stationed at suitable points without the frontier settlements, will render it more efficient, and in a better situation to range the woods and prevent the unapprised attack of the savage upon the helpless women and children. If we had to expect invasion from a civilized foe, our situation would not excite so much terror, but the savage character draws no distinction between the helpless infant and the prisoner of war. Under such circumstances, no calculation of expenditure ought to have any weight against a measure calculated to afford a necessary and proper protection to such an important and extensive frontier of the United States. The secrecy and facility with which the savages can assail that frontier, renders it improper that we should depend entirely for protection upon the volunteers and militia of an adjoining State. They carry with them their prejudices, and too often forget the sacred rights of private property. This fact has unfortunately been verified by a petition which I presented yesterday from the territory which I represent. But I cannot believe that such is the character of the citizens of Kentucky, although I do believe that the cause of that plundering, so far as it did take place in the western part of the territory of Indiana, by a portion of the Kentucky volunteers, may be found in the unhallowed exertions of local political purposes, to impress on the minds of at least some of those volunteers, that they were to defend British agents, British partisans, and persons having connection with the savages.

I shall now (said Mr. J.) present to the House the following resolutions which I have prepared, as well for the purpose of offering a bounty in lands to those who would volunteer their services as rangers for the protection of the northwestern frontier, as for the purpose of inquiring into the expediency of paying the militia and volunteers who have already rendered important services in shielding the helpless from savage cruelty:—

*Resolved*, That the Committee on Military Affairs be, and they are hereby, directed to inquire into the expediency of authorizing the President of the United States to raise at least twelve companies of rangers, by the acceptance of volunteers or enlistment for one year, to be mounted or otherwise, as the service may require.

*Resolved*, That the said committee inquire into the expediency of allowing a bounty in land to those who shall tender their services as rangers, and be accepted by the President of the United States.

*Resolved*, That the said committee inquire likewise into the expediency of making provision for

compensating the militia or volunteers, who may have been called out, or whose services may have been accepted by the Executives of either of the territories of the United States."

The resolutions were ordered to lie on the table.

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The House again resolved itself into a Committee of the Whole, on the bill from the Senate authorizing the raising of twenty thousand men, for one year, if in the opinion of the President of the United States the public service shall require it.

Mr. WHEATON said: Mr. Speaker, every intelligent man, whose age has given him an opportunity of combining experience with observation, must know that there are times when, on certain questions relating to the great interests of the nation, the sober remonstrances of truth and reason are of little or no avail against the misguided impetuosity of public prejudice. To such a crisis, if we have not already arrived, it is greatly to be feared that we are fast approaching. To float along the current of popular opinion requires very little exertion; but the man that is placed in a situation where the public safety demands that he should stem the torrent and buffet the storm, cannot but reflect, with peculiar sensibility, on the very unequal task he has to perform. The bill, now under consideration, has opened a field of discussion on the general policy of the war, in which its advocates and opponents seem to have given full range to their imaginations; and the arguments, on both sides, have apparently been attended with various success. There can, however, be little doubt on which side the victory will finally be declared. It is well known that the majority are determined, and the bill will pass. I had therefore resolved to take no part in the dispute, but to content myself with giving a simple vote. But, reflecting that I am called upon to act on a subject by me deemed important, not only for myself, but for the good of the people whom I have the honor to represent, who will be equally interested in the result, I have felt myself impelled, both by duty and inclination, to state some of the reasons on which that vote will be grounded.

The bill proposes giving authority to the President of the United States to raise twenty thousand regular troops, in addition to the thirty-five thousand already authorized by law. This may be right or wrong, proper or improper, according to times and circumstances, and the objects which the measure is contemplated to effect. Were the country invaded by a foreign foe, and a foe so powerful as to make this additional number of troops necessary for its defence, I should say it were right and proper to raise them, whatever expense it might be to the nation. But if, as the advocates of the bill profess, these men are to be enlisted, and, together with those heretofore authorized, are to form a powerful army for the purpose of

foreign conquest, I have no hesitation in giving it, as my opinion, that it is improper and wrong, or, at least, as the President has told us respecting the French decrees repealing those of Berlin and Milan, that "the proceeding is rendered, by the time and manner of it, liable to many objections." Objections, it is apprehended, may arise from want of powers given to Congress by the constitution, either expressed or implied, to do this thing, with its professed object in view—that is, foreign conquest. And if these are unavailing, common reason and common sense furnish objections, sufficiently strong, to the expediency of our undertaking such enterprises. Objections, for want of sufficient powers given by the constitution, may be considered as novel; but, if sound, they should nevertheless prevail. The war itself is novel, this being the first of the kind that ever we have undertaken since that instrument was formed, or since we became an independent nation. If the constitution gives Congress any power to carry on foreign wars, those powers must be collected from expressions it contains, or from some clear and necessary implication from something that is therein expressed. It will be very readily admitted, that our national Government is a Government of a very simple construction, and that it possesses very limited powers; being established by compact, not by conquest, it has not all the powers incident to the sovereignties of other countries; not produced by conquest, it was not made for conquest. "The enumeration of certain rights in the constitution shall not be construed to deny or disparage others retained by the people;" and the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." The framers of this constitution took particular care, not only to define the powers they intended to give, but the objects to which that power should be applied, and therefore, but for those defined objects, Congress have no powers at all. The objects are first pointed out clearly and plainly, and then the powers necessary to their attainment. The people of this country, after having effected the Revolution and established their independence, considering their great transmarine distance from the nations of the Old World, and all their jarring and rival interests, flattered themselves with the expectation of long peace. Unapprehensive of being attacked at home, they had no idea of making war for the purpose of conquest abroad. "Peace and friendship with all nations, entangling alliances with none," was their motto, and the same sentiment has been sanctioned by a man, whom the advocates of this war have never ceased to admire. An aversion to standing armies was among the causes that induced the Declaration of Independence; without standing armies, it was then believed, and we now know full well, foreign wars cannot be carried on. Foreign wars did not, therefore, come within the scope

of that policy that dictated the constitution. I am not insensible, that, by the constitution, a power is given to Congress to declare war, (not to make it,) but their power is not to be exercised but in the spirit of that instrument, and for the attainment of some or all of the objects for which it was framed. And what are those objects? Why, and for what was the constitution made? Its authors have told us. It was for "the forming of a more perfect union, establishing justice, insuring domestic tranquillity, providing for the common defence, promoting the general welfare, and securing the blessings of liberty to ourselves and our posterity," and all these benefits for the people that then did, or who thereafter should, belong to, or reside in the territory then embraced by the United States, and none other. The constitution was not made for any other, nor can it give jurisdiction over any other. If all or any of these objects are endangered, and it can be made to appear that raising the additional army proposed by this bill be necessary to the preservation and security of them, and can afford a rational prospect of producing such an effect, then my objections to the measure, so far as they arise from the apprehension of the want of constitutional authority, will be obviated. But here, permit me to ask, whether adding twenty thousand new troops to our present regular army, will be likely to have the effect of forming a more perfect union among the people of these States, or whether the little progress already made in the war has not produced fearful apprehensions of a sad reverse? If justice be not already established in our country, can there be any probability that a more formidable army will effect an object so desirable? No; for it is a well-known maxim, as true now as in those ancient times when it was written, that "*Inter arma leges silent.*" So romantic an idea, as being able to establish justice through the world, could not have entered the heads of those that framed the constitution. Much has been said respecting the laws of nations; but they are now nowhere to be found, but in those books that treat on that subject; they were formed by the nations of the civilized world, and evidenced by the treaties, compacts, and agreements, entered into by them; but the Governments of Europe, in their struggle for power and dominion, seem to have disregarded or broken them down; and they being the majority in number, and superior in strength, it is not at present in our power to build up and enforce them. The unavoidable state of the world must be submitted to, until human nature shall, by its Great Author, be corrected. Nor can we, from what we have experienced, promise ourselves, from foreign war, an increase of tranquillity at home. But we are authorized, and are bound to provide for our common defence, and to raise armies, as well of regulars as militia, for that purpose, whenever the unfortunate situation of our country may render such a measure necessary;



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and our raising of a regular army could never have been contemplated by the framers of the constitution for any other purpose, and therefore give no authority so to do, and, as if conscious that this were the case, the committee had penned the act passed by Congress in June last, declaring war, made use of a form altogether unusual in other countries on similar occasions. The act declares that "war exists between the United Kingdoms of Great Britain and Ireland, and the United States;" going upon the idea, that hostilities had then been actually commenced against us by that Government, and our country invaded by a British armed force. Such a doctrine would have been very proper, and it might have been proper to raise armies in pursuance of it, had it been true. But such was not the fact. No hostile invasion of the country, by the British Government, had then been made, attempted or threatened. But some may say, and do say, that, if it were at a point then, it is now, and that, therefore, we had no right to raise regular armies then, being a time of peace, we may feel ourselves fully authorized now, since war has been declared, to raise new ones, or make additions to the old. This, indeed, would be contrary to a principle universally received and adopted, that no one should be permitted to take the advantage of his own wrong.

I know it is a doctrine, that the ruling party in this country, both in and out of this House, are every day zealously endeavoring to inculcate, that even admitting the war to have been wrong, at its commencement, it has now become the constitutional duty of its original opponents to afford every aid and encouragement to its prosecution. But this is a doctrine that I think no one can yield his assent to, till he is made to believe that two lines, constantly diverging, may finally meet in the same point. If our country has been in any degree invaded, and such invasion be in consequence of our having first invaded the territories of the invaders, it is proper for us, by withdrawing the cause, to put an end to the effect. The last, and at the least object of the powers given by the constitution, is "to secure the blessings of liberty to ourselves and our posterity." Many arguments cannot be necessary to show the tenacity of foreign wars to destroy liberty. I believe history does not furnish an instance of any people long free, after engaging in the mad projects of foreign conquest. While Rome was content with her ancient boundaries, her inhabitants were blessed with freedom; but, afterwards, jealousies, tumults, insurrections, and seditions, and those two great plagues and scourges of mankind—anarchy and tyranny—following in the train, destroyed every vestige of liberty among that people. Is there any liberty left among the people of France, or of those countries that France has conquered? Fortunate for them, if they are less enlightened than we are; for, in such case, though slaves, they may not be quite so miserable ones.

"The very age and body of our constitution, its form and pressure," indicative of the genius and temper of the people that adopted it, are all opposed to the prosecution of wars for conquest. Such enterprises must not be undertaken, or the constitution must be destroyed. Gentlemen seem already inclined to attribute the disgrace and defeats that have hitherto marked our progress in this war, rather to the form and constitution of our Government, than to the weakness and folly of its Administration. The French Emperor has been extolled, and his mode of conducting wars has been more than intimated as being worth our imitation. If, in making foreign conquests, we would have his success, we must make use of his means, and then we may bid adieu to our former happy institutions, our laws, and our liberty. On this ground, therefore, I am opposed to the progress of this war. But if I had not a scruple left, as to the authority given to Congress by the constitution to make this war for conquest, (and perhaps I ought not to have,) my sense of its inexpediency, while I shall have any regard for the welfare and prosperity of my country, will forever forbid my giving it the smallest aid.

Mr. H. CLAY (Speaker) said he was gratified yesterday by the recommitment of this bill to a Committee of the whole House, from two considerations: one, since it afforded to him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the committee his sentiments upon the important topics which had been mingled in the debate. He regretted, however, the necessity under which the Chairman had been placed of putting the question,\* precluded him from an opportunity he had wished to have enjoyed of rendering more acceptable to the committee any thing he might have to offer on the interesting points it was his duty to touch. Unprepared, however, as he was to speak on this day, of which he was more sensible from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. C., when I found this bill permitted to pass silently through the Committee of the Whole, and that, not until the moment when the question was about to be put for its third reading, was it selected as that subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of

\* The Chairman had risen to put the question, which would have cut Mr. C. off from the chance of speaking, by returning the bill to the House.

the character of some part of the debate, at the latitude in which for once they have indulged. I claim only, in return, of gentlemen on the other side of the House, and of the committee, a like indulgence in expressing, with the same unrestrained freedom, my sentiments. Perhaps in the course of the remarks which I may feel myself called upon to make, said he, gentlemen may apprehend that they assume too harsh an aspect; I have only now to say that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention on my part to wound the feelings of any gentleman.

Considering the situation in which this country is now placed, in a state of actual war with one of the most powerful nations on the earth, it may not be useless to take a view of the past, of various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture. Such an inquiry may assist in guiding us to that result—an honorable peace—which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the Government had been unremittently impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the Administration to preserve peace. Their duty, because it is necessary to the growth of an infant people, their genius and their habits. Their interest, because a change of the condition of the nation brings along with it a danger of the loss of the affections of the people. The Administration has not been forgetful of these solemn obligations. No art has been left un essayed; no experiment, promising a favorable result, left untried to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have attained its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came a law of non-intercourse, and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized with avidity by the Administration—the arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what sincerity the Administration cultivates peace, the opposition will insist that it alone is culpable for any breach between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the King (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult abundant cause for reject-

ing Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypercritical ingenuity which they displayed to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own Government half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until longer to have negotiated would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war; the proud, the spirited, the sole repository of the nation's honor; the exclusive men of vigor and energy. The Administration, on the contrary, is weak, feeble, and pusillanimous—"incapable of being kicked into a war." The maxim, "not a cent for tribute, millions for defence," is loudly proclaimed. Is the Administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, at length, foreign nations, perhaps, emboldened by the very opposition here made, refused to listen to the amicable appeals made, and repeated and reiterated by the Administration, to their justice and to their interests; when, in fact, war with one of them became identified with our independence and our sovereignty, and it was no longer possible to abstain from it, behold the opposition become the friends of peace and of commerce. They tell you of the calamities of war; its tragical events; the squandering away of your resources; the waste of the public treasure, and the spilling of innocent blood. They tell you that honor is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war, and no restrictions, when the Administration is for peace; they are for peace and restrictions, when the Administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose: to steer, if possible, into the haven of power.

During all this time the parasites of opposition do not fail by cunning sarcasm or sly insinuation to throw out the idea of French influence, which is known to be false; which ought to be met in one manner only, and that is, by the lie direct. The Administration of this country devoted to foreign influence! The Administration of this country subservient to France! Great God! how is it so influenced? By what ligament, on what basis, on what possible foundation, does it rest? Is it on similarity of language? No! we speak different tongues; we speak the English language. On the resemblance of our laws! No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the

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two governments? No! here alone is the liberty of man secure from the inexorable despotism which everywhere else tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told the fact) that an honorable member of this House, now in my eye, recently lost his election by the circulation of a story in his district, that he was the first cousin of the Emperor Napoleon. The proof of the charge was rested on a statement of facts which was undoubtedly true. The gentleman in question it was alleged had married a connection of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily followed!

Throughout the period he had been speaking of, the opposition had been distinguished, amidst all its veerings and changes, by another inflexible feature—the application of every vile epithet, which our rich language affords, to Bonaparte. He has been compared to every hideous monster and beast, from that of the *Revelations* to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, and—Heaven knows by what other names. Really, gentlemen remind me of an obscure lady in a city, not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the Emperor; called him the curse of mankind—the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness: “Madam, it would give my master, the Emperor, infinite pain, if he knew how hardly you thought of him.”

Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the Chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe—the partition of territory and sovereignty there—except in so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage, with European sensibility, in the discussion of European interests. If gentlemen ask me, if I do not view with regret and sorrow the concentration of such vast

power in the hands of Bonaparte, I reply that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. And if I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries—the Alps, the Pyrennees, and the Rhine—and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to first-rate powers, and preserve the integrity of the Empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated, and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

In one respect there is a remarkable difference between Administration and the Opposition—it is in a sacred regard for personal liberty. When out of power, my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose the war for this object. They have indeed lately affected tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it is evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue betrays that it is not their vernacular tongue. What! the opposition, who in 1798 and 1799, could raise an useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known specified object—the attack of the adjoining provinces of the enemy? The gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

I mean to speak of another subject, which I never think of but with the most awful considerations. The gentleman from Massachusetts,

in imitation of his predecessors of 1799, has entertained us with Cabinet plots, Presidential plots, which are conjured up in the gentleman's own perturbed imagination. I wish, sir, that another plot of a much more serious kind—a plot that aims at the dismemberment of our Union—had only the same imaginary existence. But no man, who had paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, he believed them generally incapable of it. He could not say as much for some who were unworthily associated with them in that quarter of the Union to which he referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this House, "peaceably if we can, forcibly if we must;" in and about the same time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed by directing the public attention to the price which the gentleman says was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate in the slightest degree the offence of those citizens who entertained and deliberated upon the infamous proposition! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship to peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people are to be gradually undermined. The project is suggested or withdrawn; the diabolical parties, in this criminal tragedy, make their appearance or exit, as the audience to whom they address themselves are silent, applaud or hiss. I was astonished, sir, to have lately read a letter, or pretended letter, published in a prominent print in that quarter, written not in the fervor of party zeal, but coolly and deliberately, in which the writer affects to reason about a separation, and attempts to demonstrate its advantages to different sections of the Union, deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated.

The war was declared because Great Britain arrogated to herself the pretension of regulating foreign trade, under the delusive name of retaliatory Orders in Council—a pretension by which she undertook to proclaim to American enterprise, "Thus far shalt thou go, and no farther." Orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the act of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war; so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in sullen silence, pretending that they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact that transpired—an important fact material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. McKee) moved, in Committee of the Whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom seven belonged to this side of the House, and three only to the other.

It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable. But I maintain that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British Government. I will trouble you, sir, with going no further back than to the letters of the British Minister, addressed to the Secretary of State, just before the expiration of his diplomatic functions. It will be recollected by the committee that he exhibited to this Government a despatch from Lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of the repeal of the Orders in Council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But, on the

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10th of June, after the bill declaring war had actually passed this House, and was pending before the Senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in stating that Great Britain, as the case has hitherto stood, never did, nor ever could engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other States, upon condition that France would except singly and specially America from the operation of her decrees." On the 14th of the same month, the bill still pending before the Senate, he repeats: "I will now say, that I feel entirely authorized to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the Orders in Council. Previously to your producing such an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our Orders in Council." Thus, sir, you see that the British Government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British Government. It could not, therefore, have induced that Government, had it been earlier promulgated, to repeal the Orders in Council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the Orders in Council. This I deny. After it made its appearance in England, it was declared by one of the British Ministers, in Parliament, not to be satisfactory. And all the world knows, that the repeal of the Orders in Council resulted from the inquiry, reluctantly acceded to by the Ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this Government, or to both. But it is said that the Orders in Council are done away, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me into an examination of the grounds for continuing the war.

I am far from acknowledging that had the Orders in Council been repealed, as they have been, before the war was declared, the declaration would have been prevented. In a body so numerous as this, from which the declaration emanated, it is impossible to say with any degree of certainty what would have been the effect of such a repeal. Each member must answer for himself. I have no hesitation then, in saying, that I have always considered the impressment of American seamen as much the

most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it was conceded to gentlemen that such a repeal of the Orders in Council, as took place on the 23d of June last, exceptionable as it is, being known before the war, would have prevented the war, does it follow that it ought to induce us to lay down our arms without the redress of any other injury? Does it follow, in all cases, that that which would have prevented the war in the first instance should terminate the war? By no means. It requires a great struggle for a nation prone to peace as this is, to burst through its habits and encounter the difficulties of war. Such a nation ought but seldom to go to war. When it does, it should be for clear and essential rights alone, and it should firmly resolve to extort, at all hazards, their recognition. The war of the Revolution is an example of a war began for one object and prosecuted for another. It was waged in its commencement against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British Government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved our independence. When nations are engaged in war, those rights in controversy, which are acknowledged by the Treaty of Peace, are abandoned. And who is prepared to say that American seamen shall be surrendered the victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects: that, in the exercise of this right, she may lawfully impress them, even although she finds them in our vessels, upon the high seas, without her jurisdiction. Now, I deny that she has any right, without her jurisdiction, to come on board our vessels on the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war. But she further contends that her subjects cannot renounce their allegiance to her and contract a new obligation to other Sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. Great Britain, in the very case of foreign seamen, imposes perhaps fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the Sovereign having possession of the subject would

have a right to the services of the subject. If he return within the jurisdiction of his primitive Sovereign, he may resume his right to his services, of which the subject by his own act could not divest himself. But his primitive Sovereign can have no right to go in quest of him, out of his own jurisdiction into the jurisdiction of another Sovereign, or upon the high seas, where there exists either no jurisdiction, or it belongs to the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice—no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of her seamen. The truth is, she comes, by her press gangs, on board of our vessels, seizes our native seamen, as well as naturalized, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and a practice not conformable to the principle—a principle which, if it were theoretically right, must be forever practically wrong. We are told by gentlemen in the opposition that Government has not done all that was incumbent on it to do to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, Government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave: "Let the bearer, Mungo, pass and re-pass without molestation." What do they imply? That Great Britain has a right to take all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the Genius of Columbia should visit one of them in his oppressor's prison and attempt to reconcile him to his wretched condition. She would say to him, in the language of the gentlemen on the other side, "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her by peaceable means to release you, but I cannot, my son, fight for you." If he did not consider this mockery, he would address her judgment, and say, "You owe me, my country, protection; I owe you in return obedience. I am no British subject, I am a native of old Massachu-

setta, where live my aged father, my wife and my children. I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue, "I lost this eye in fighting under Truxton with the insurgent; I got this scar before Tripoli; I broke this leg on board the Constitution when the Guerriere struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

"Hard, hard, is my fate! once I freedom enjoyed,  
Was as happy as happy could be!  
Oh! how hard is my fate, how galling these chains!"

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection!

It is said that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one prior to his departure from that country. Let us hear what that Minister says upon his return to America. In his letter dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent; and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up (the *mare clausum*), he concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negotiation, on this affair, is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:

"Indeed there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement in regard to it has been nearer an accomplishment than the facts will warrant. Even our friends in Congress—I mean those who were opposed to going to war with us—have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American Government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with

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formidable, if not insurmountable obstacles. This is obvious from a letter which his Lordship addressed to Sir William Scott at the time."

Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity, and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King on this subject was entirely unfounded."

Thus, continued Mr. CLAY, it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the Administration since the war.

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements upon the land have been less splendid than those of our intrepid seamen, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist on the part of the officers and their men. On the other, almost every thing is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that, in no instance, when engaged in action, have our arms been tarnished. At Brownstown, and at Queenstown, the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings, it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the Administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it the Indian war would have been in a great measure prevented or terminated, the ascendancy on Lake Erie acquired, and the war pushed perhaps to Montreal. With the exception of that event, the war, even upon the land, had been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of Governor Edwards and Colonel Russell, to Lake Peoria, on the Illinois, was completely successful. So was that of Captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the Prophet's town. We have just received intelligence of the gallant enterprise of Colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool, deliberate bravery displayed than that by Newnan's party from Geor-

gia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to our maritime or land account,) for judgment, skill, and courage, on the part of Lieutenant Elliott, has never been surpassed.

What cause, Mr. Chairman, which existed for declaring the war has been removed? We sought indemnity for the past and security for the future. The Orders in Council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, now openly encouraged; and the practice of impressment unremittently persevered in and insisted upon. Yet Administration has given the strongest demonstrations of its love of peace. On the 29th June, less than ten days after the declaration of war, the Secretary of State writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only; and what are they? That the Orders in Council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a real truce; that the war should in fact cease on both sides. Again, on the 27th July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. FISKIN) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fails to do so, it is a breach of good faith, and a subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British Government, Lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our Government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of Admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the Government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of His Majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revoca-

tion of the laws which interdict the commerce and ships of war of His Majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, the contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the Orders in Council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing Admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negotiation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. PEARSON) supposes, that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt if such a law were passed, with all the requisite solemnities, and the repeal to take place, Lord Castlereagh would laugh at our simplicity. No, sir, Administration has erred in the steps which it has taken to restore peace, but its error has been not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or Halifax. We are told that England is a proud and lofty nation that, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and if we do not listen to the counsels of timidity and despair we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men—lash ourselves to our gallant tars, and expire together in one common struggle, fighting for "seamen's rights and free trade."

Mr. McKee moved an amendment to the bill, going to place the appointment of the other field officers of each regiment, as well as the Colonels, in the President and Senate. The motion was agreed to.

MONDAY, January 11.

*Additional Military Force.*

The House again resolved itself into a Committee of the Whole, on the bill for raising an

additional military force of twenty thousand men for one year.

Mr. SHERFFEY said he felt grateful for the opportunity which had been afforded him, to deliver his sentiments on the subject before the committee. It was now about a year ago, when he had stated his reasons at length on the question of the war then meditated against Great Britain. Since that time, he had been generally a silent, though not an inattentive spectator. Conscious that there had fallen to his share a full portion of the frailty common to man, he felt disposed to distrust his own opinion. He had even hoped he might be mistaken, he had hoped that experience would prove the fallacy of his apprehensions; that the predictions of gentlemen, who differed from him in sentiment, would be realized; that the rights of the country would be secured by arms, to which the majority had resorted; and that the evils anticipated would vanish before us. On a review, however, of the reasons which had then influenced him, aided by the experience of the last year, he found his opinions, not only unshaken, but strongly confirmed.

The bill before us, said Mr. S., contemplates an addition of twenty thousand men to the army heretofore authorized to be raised. By the measures preparatory to the war, upwards of thirty-six thousand men were directed to be enlisted; with the addition now contemplated, our regular army will amount to more than fifty-six thousand men. The question which at once presents itself to every mind disposed to inquire, is, what is the object of this vast military force? We are here not left to conjecture; this inquiry has been anticipated, and we have been directly told by the chairman of the Military Committee, (Mr. WILLIAMS,) that it is intended for offensive purposes; that the conquest of Canada, Nova Scotia, and New Brunswick, is to be achieved. If I have any right to deliberate on this subject, and to express the opinion which my view of the real interests of the country dictates, I at once say, that I cannot give my assent to raise such a force for such a purpose. Was an augmentation of the army required to defend us against any enemy, either on the maritime or inland frontier, no member of this House would more readily accord the means of defence and protection than myself. In such event, I shall not inquire how we got into the situation, or by whose temerity the enemy has been brought on our borders. I shall consider *defence* as a matter of imperious necessity, forbidding all calculation as to means and consequences. But, as it is admitted by all, that the force already authorized is more than sufficient for every defensive purpose; as it is expressly avowed that it is required for offensive operations in the territories of the enemy, the question assumes a different shape; it is stripped of the overruling influence which attends necessity; it becomes a mere question of expediency, controlled by the various considerations which reason and policy may dictate.



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So far as my conduct is concerned, before I can consent to the prosecution of the war, in the manner contemplated, I must be convinced that the objects in controversy are not only just, but of sufficient importance in their practical effect on the community to justify such an experiment, and not attainable in any other way; that there is a reasonable probability that such a war will secure to us those objects; and that we are not endangering the greater good, to obtain an exemption from the lesser evil; hazarding certain great rights, to secure others of far inferior importance.

I regret that I cannot, consistently with my sense of duty, yield the unlimited confidence in their measures, which the majority demand. My reason must be convinced, before my confidence can be bestowed. There are, indeed, cases where superior virtue and wisdom, tested by long and successful experience, have a strong claim to our confidence. But this, in my opinion, is not the case here. A retrospect of the transactions of the last eight years, will show how much gentlemen have been mistaken and disappointed in their views of our foreign policy; particularly that part which is connected with the difficulties in which we now find ourselves, and which may be said to be the groundwork of them. In making this declaration, and in leading your attention to the facts, it is not my object to give offence to any one. I believe gentlemen are actuated by the purest motives, and sincerely disposed to render essential service to the country. I speak of facts only, intending to show a mistaken, not a corrupt or vicious course.

Our difficulties with Great Britain commenced soon after the treaty of 1794 (generally called "Jay's Treaty") expired by its own limitation, in consequence of the peace of Amiens. About that time the British Government offered to our Minister, then resident in London, a renewal of the treaty. That instrument had been negotiated under the auspices, and received the sanction of WASHINGTON, the father and benefactor of his country. It is true, that its stipulations did not embrace every subject which we could have wished; and those that were embraced, were not so advantageously settled as might have been done, had we had it in our power to have dictated the terms. But it is equally true, that experience refuted all the speculations, and dissipated all the apprehensions, with which the country was filled at the time of its ratification. During its operation we enjoyed a degree of prosperity unexampled in this or any other country. Our leading interests flourished in a manner unknown before, and unexperienced since; our agriculture was encouraged by high prices and ready markets for its products; the freedom of navigation, and the enterprise of our people, carried our commerce to every part of the globe. I ask this House and this nation, whether their hopes or wishes extend beyond what we then enjoyed? If they do, they hope for that which is opposed

by all human probability, and they wish for that which has scarcely ever fallen to the lot of man. We were, indeed, not exempt from every evil, or gratified by every possible good. What nation or individual ever reached that state? But the great essentials of national prosperity were in our possession. Our Government, however, was not satisfied. The overture of the British Government was rejected, under the impression, no doubt, that better terms could be obtained; that the situation of Great Britain would compel her to yield to our demands, however extensive.

Soon after the rejection of this overture, Great Britain assumed the right to interdict the trade in the products of her enemies' colonies, when taken directly from those colonies to the mother country, conformably, as she asserted, to the principles adopted in the war of 1756. In consequence of which, our Government, with a view to coerce her into a relinquishment of her pretensions, passed the partial non-importation act of 1806. It had not the intended and promised effect. They again resorted to negotiation, and repealed the restriction. About this time, a change happened in the British Cabinet, highly auspicious to our interests. "Our friends," yes, our old friends, who had espoused our cause in time of peril and danger, who had defended our rights during all the vicissitudes of the Revolution, and who had manifested their friendship for us on every occasion since, got into power. With these men, a negotiation was opened by our Government through the instrumentality of our Ministers, Messrs. Monroe and Pinkney, which resulted in a treaty, as our own Ministers declared, "both honorable and advantageous to the United States," and the best that could be obtained. It was not only "advantageous" as it respected our commerce, but the informal understanding which accompanied it, would have secured us against the abuses of impressments; so our own Ministers believed. But it was rejected without being even submitted to the Senate. The reasons have never been disclosed to the nation. I presume, however, that it was confidently expected that such was the situation of Great Britain, that any terms that we should dictate would be granted.

The terms which our Government demanded not being accorded on the part of Great Britain, a new policy was resorted to by our Government, which was held up to the nation as a sovereign remedy for all our difficulties, which were daily increasing. An embargo, not limited in its duration, was laid on our shipping. The prominent virtues of this remedy were supposed to be—that it would coerce the belligerents, but particularly Great Britain, into an abandonment of their injurious measures; and above all, that it would save us from being involved in war. The experience of one year, however, manifested how little its supporters understood of the means and resources of other nations, and of the character of our own. The privations to which a great portion of our peo-

ple were subjected in consequence of this measure coerced our Government into a repeal, long before any sensible impression could be made on Great Britain. The embargo was abandoned, because the people would bear it no longer, and the non-intercourse system was adopted in its stead. This also had its day—but this, like the embargo, experience condemned as injurious and ruinous policy; and the public voice called for its repeal. It was succeeded by the act of the first of May, 1810, the source of our present difficulties.

When this act passed this House, we were told that its provisions held out the strongest inducement to each of the great belligerents, to precede its rival in the abrogation of the injurious edicts affecting the commerce of this country, and that whoever might lead the other would unquestionably follow. It required very little sagacity to penetrate this subject. It was easily foreseen that this measure would be employed to detach us from our neutral situation, which it was so much our interest, and had been so much our desire, to maintain. This apprehension experience has realized. We now feel the consequences in their fullest extent.

After we had become the dupes of French perfidy, by putting in force the non-importation system against Great Britain, under the belief, that on the first day of November, 1810, the decrees of Berlin and Milan were repealed, the falsehood of which has since been placed beyond all rational doubt, it happened as had been anticipated, that finding the inefficiency of the restrictive system against Great Britain, the nation was called on, about the commencement of last session, to assume a threatening attitude towards that power. We were then told by the supporters of our foreign policy, that war would not be necessary. That justice was withheld from us by the Government of that nation under the impression that force would not be used to maintain our rights, which impression it was only necessary to remove by manifesting a determined spirit in making warlike preparations. This prevailed with many, and the army was voted. But it did not intimidate our enemy. We were then told, that it was necessary to declare war, as affording conclusive evidence of our sincerity: but that it would not be necessary to continue it beyond a few weeks, when our objects would be attained by a just and honorable peace. We were also told, at the same time, that in six weeks after the declaration of war, we should be in possession of a great portion of the enemy's colonies. All these promises have been disappointed. We have effected nothing by commercial restrictions, nothing by arms, and nothing by negotiation; and, if there is not a change in our policy, the war promises to be perpetual.

Having detained you thus long with these preliminary topics, permit me to draw your attention to those that grow directly out of the bill before the committee. I have said, that the causes ought not only to be just, but impor-

tant in their effect on the community, to justify a resort to arms. I will say more. A nation situated as this is, who has so much to lose, and so little to gain, ought not to relinquish its peaceful state but in the last extremity. Are the causes which existed at the time when this war was declared, of that character which, according to this idea, justified its commencement; and are those now remaining sufficient to sanction its continuance?

I exclude all consideration of the abstract justice of our complaints against Great Britain. Upon that subject I never had but one opinion. I always did believe that her conduct towards this country was not only unjust as it affected us, but impolitic as it affected herself.

Before the war commenced last Summer, the Orders in Council formed the principal ground of complaint against Great Britain. I venture to assert, without the dread of contradiction, that if the repeal which has since taken place had happened and been known here before we resorted to the sword, we should have remained at peace. I make this declaration on (what I deem) the most unquestionable authority. The proof is on record. In 1808, Mr. Jefferson, then President of the United States, through our Minister in London, proposed to the British Government to relinquish the embargo as to her, on condition the Orders in Council were revoked. In 1809, Mr. Madison entered into the arrangement with Mr. Erskine, which made the same condition the sole foundation for restoring amicable intercourse between the two nations. In 1810 and 1811, the discussions between our Government and that of Great Britain were confined almost exclusively to that subject. And in 1812, preceding the declaration of war, the Secretary of State informed the British Envoy, that if the Orders in Council were revoked, the non-importation act would cease immediately. During the whole of this period, our complaints were directed to the Orders in Council, and our measures, (I speak of our restrictive system,) so far as they affected Great Britain, were adopted with a single eye to their repeal. Until the war was declared, I did not suppose that it would be waged for any other object.

The Orders in Council, though a violation of our maritime rights in point of principle, were practically of very little injury to our commerce at the commencement of the war in which we are now engaged. The reasons are obvious. Our commerce to France, Holland, Italy, &c., never was of great importance. And the effect of the French "municipal regulations" had caused it to dwindle into insignificance. The exclusions, restrictions, impositions, and confiscations, so permanent in the commercial code (and practice) of Napoleon, had inspired our merchants with a due portion of caution, how they ventured their property into the power of a Government actuated by no liberal principle, and bound by no faith. From this state of things, it was not difficult to con-

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lecture that the period was not distant when Great Britain must become convinced of the inefficiency of the Orders in Council, so far as respected their retaliatory object on her enemy. How could France be distressed by the British interdiction of her foreign commerce, when France herself was hostile to that commerce—when she adopted every measure to narrow, to shackle, and ultimately to exclude it? We had even strong evidence that British statesmen began to waver on the subject. The vote in the House of Commons, during the last Winter, showed a minority unusually strong, and indicated most clearly that before long the Orders in Council were doomed to perish. But, with this information before our eyes, we hurried on to war without waiting for the event, or even without waiting for preparation.

The Orders in Council have since been repealed. The manner has indeed been objected to by the honorable Speaker, (Mr. CLAY,) because the right to secure them in certain events is reserved. But surely this cannot be and has not been considered by our Government a serious objection; for without such reservation the power to revive them existed to every possible extent. The only question is, do they cease to violate our neutral commerce? This is not doubted. The remaining obstacle, therefore, to a good understanding between the two nations, and the sole ostensible cause for persevering in the war, is the subject of impressments.

This is, indeed, a difficult and unquestionably an interesting subject. Not that I place entire confidence in the sympathetic descriptions of the magnitude of the evil, which we have so often heard and daily heard in this House. I am inclined to believe fancy has colored the picture too highly. There is one reason, above all others, which leads me to that conclusion. It is this: In that section of the United States of which two-thirds of our seamen are natives, there is a strong, overwhelming current of opinion against this war. Can it be possible that the country where dwells the kindred of those who are said to be incarcerated in great numbers in the "floating dungeons" of Great Britain is not only indifferent about the fate of its children, but opposes, as ruinous, the war waged for their protection? It is certainly a curious spectacle to see the defenders of seamen's rights come from those portions of the Union that have little commerce, and few, if any, seamen. I do not mean to insinuate that those gentlemen do wrong in espousing the cause of the oppressed, to whatever quarter they may belong; but I state the fact to show that their sympathies may possibly have magnified the evil—and to infer from it, that the opposition of those most immediately interested is to be ascribed, not to their insensibility, but to their apprehensions that this war, instead of securing seamen's rights, will banish their seamen into foreign service.

The controversy between this country and Great Britain seems to have been brought to a

single point. She claims the service of her seafaring subjects in time of danger. Our Government admits this right. To give effect to the right thus claimed and admitted, she insists that her officers may go on board our merchant ships on the high seas, or in her ports—search for and take her subjects. This our Government deny, and claim the immunity of the flag so far as persons are concerned; because, under the pretext of taking British subjects, American citizens are frequently taken. It does, indeed, not distinctly appear in the late communication from our Executive to the British Government, that they mean by the terms American citizens, whether it includes naturalized persons as well as natives. With respect to those of the first description, I confess I feel no great interest for their immunity abroad or on the high seas; I am one of those who think that we act sufficiently liberal when we offer them any asylum from the oppression or poverty of their own country, receive them into our bosom, and extend to them all the advantages belonging to us; and so long as they remain within our territorial limits, they shall, with my consent, have the full benefit of the protection which our laws afford to all. But I cannot consent that the native blood of this country shall be profusely wasted to protect aliens born, wherever they may ramble. We all profess a deep solicitude for the interest of seamen. To describe their distresses and to eulogize their valor and patriotism, is one of the topics of the day. And yet we are contending for principles which, if successful, will bring a host of foreigners in competition with them to elbow them out of employment. But it is said that Great Britain does the same—that by the act passed during the reign of George II., foreign seamen are naturalized who have been in the King's service for two years, and that she has no right to object if we imitate her conduct. It is true she has adopted such a regulation. But I have never heard of any instance where she has contended that such a person is absolved from his natural allegiance, if he comes within the power of his original sovereign. I have understood that act to mean that such persons should become entitled to certain rights—not absolved from any duties towards others, should they leave the country: That they should have the right to hold lands—be admitted under the regulations of the navigation act as British seamen on board merchant ships, and participate in the pension and hospital provisions. Should I be mistaken, however, I am not inclined to relinquish my opinion, merely because the practice of Great Britain is opposed to it.

Sir, I do not find fault with the Administration for insisting on the immunity of our flag, as it respects the seamen. I approve of the principle. It is of that character which at a proper time and with proper means is (in effect and to all general purposes) attainable, if we do not by ill-timed and imprudent efforts frustrate

it. It is supposed that the present is the auspicious moment to insist on our rights. That pressed as Great Britain is by the most powerful enemy the world ever saw, who threatens her very existence; the impression which we can make upon her by our arms, will be greater than at any other time. This very circumstance renders the attainment of our object more difficult, and makes our case hopeless. Her danger forbids a compliance with our demands. In her present struggle, her naval power constitutes her security. Without that she would long since have become a French province. This every man in England knows and feels. It is well known that four-fifths of her seamen on board her navy render not voluntary but compulsory service. Should this principle be established, which in all cases would afford a secure asylum in our merchant ships, it is dreaded by British statesmen and the British people, that their seamen, allured by higher wages and easier employment, would abandon their service, and thus render their country accessible to their enemy. Hence you see every Ministry, of whatever political party or distinction, tremblingly alive to this subject. They dare not touch it in the present state of that country. No man could maintain his power a moment after having hazarded the public safety by making an experiment, the effect of which could not be foreseen, and may be productive of such disastrous consequences. This spirit is manifest in all the communications from the British Cabinet to our Government. We have seen the sentiments of Lord Grenville, Lord Auckland, Lord Holland, and Mr. Fox, men whose prepossessions were in our favor, and who on almost every other subject supported our pretensions. On this subject they resisted our demands, because they dared not grant them. While I conceive the claims of our Government as not going too far, I doubt their prudence as to the time and manner of giving them effect. I fear that instead of realizing our wishes the measures pursued are calculated to deprive us of every hope hereafter. In the present unexampled state of the world, according to my limited conception of our true interest, we ought to have seriously avoided all hostile collision with foreign powers. We ought to have cherished the resources within our grasp. Nothing is more obvious than the remark made by the honorable gentleman from New York, (Mr. BLEECKER,) that, with all the injuries which we received from the belligerents, our commerce was more extensive and more profitable in the aggregate than if Europe had been at peace. We might have obtained (and we ought not to have rejected) such temporary arrangements with England, (with whom our commerce was chiefly carried on,) which, though they did not embrace all our interests, would have secured those of first importance and kept us at peace. The benefits of such a policy are to my mind self-evident. Should Europe be restored to tranquillity and assume something like its for-

mer appearance, (and I do not believe the present state of things durable,) we should have been able to have effected every valuable object, because such a change will probably bring with it a respect for the rights of nations, which have now no existence but in name. And should an imposing attitude have been wanting to give effect to our claims, we should have exhibited an unbroken spirit and unexhausted resources.

An honorable member from Tennessee, (Mr. GRUNDY,) the other day, read some extracts from the instructions transmitted to our Minister in London, in 1792. His object was to show the deep interest which the great man who then presided over this nation felt on the subject of impressments. I sincerely wish that while gentlemen resort to his opinions to support theirs, they would consent to imitate his conduct. Nothing can be more strikingly different than his policy and that which is now pursued.

In 1793 the subject of impressments did not form the only complaint against Great Britain. The Treaty of Peace remained unexecuted on her part. To that was added the great injury which our commerce sustained by the extensive captures made by her cruisers during that year. The interest which was felt for the success of the French Revolution, against which Great Britain had arrayed herself, tended to excite the nation, even beyond the measure of its wrongs, and ripen it for war. But the wisdom of WASHINGTON saved us from being drawn into the vortex, which has since devoured all who approached it. His genius considered the true interests of his country to consist in the preservation of its peace; and he had firmness enough to preserve it, though opposed by the strong feelings of the people. Notwithstanding the accumulated wrongs which we had received, he sent a messenger of peace, and ultimately gave his assent to a treaty in which there was not one stipulation even to restrain the abuses of impressments, which the year before he had declared could not be longer tolerated. Why was this done by him, who, to say the least, had as much affection for his country's rights, as the politicians of the present day—whom fear never influenced—and who could safely calculate on the support of the people, should he resort to arms? The answer is obvious. Peace upon almost any terms was better than a hopeless, endless contest. What a contrast does his example present to the conduct of those who now direct the destinies of this nation, and who, while they reject his policy, resort to his opinions to support their own?

Upon the subject of foreign war, and the objects connected with it, the opinions of gentlemen of the majority have certainly undergone a strange revolution since they came into power. Little more than twelve years ago, they deprecated foreign war as inconsistent with the spirit of our institutions, and the genius of our Gov-

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ment. Nothing short of self-defence, when attacked in our own country, was considered as a justification for abandoning our peaceful pursuits, and mingling in hostility with European powers. Every other object was deemed subordinate to the preservation of peace, because with it was connected every benefit which had pleased Providence to bestow upon us, and which our detached situation rendered secure. We now hear those very gentlemen talk of Rome and Greece in their proudest days, when they inspired terror into the inhabitants of distant climes and carried their arms to every quarter of the globe; and their example is held up for our imitation. The almost boundless extent of our territory is become too limited, and we hear of conquests in the North and South, as essential to our security and happiness. In taking a retrospect, and contrasting former opinions with present conduct, a person would almost be inclined to distrust his observation, was there not left on record monuments with sentiments of former times entertained by gentlemen in the days of humility, when they were struggling against power. Permit me to call your attention to a resolution of the Virginia Assembly, adopted in 1798, said to be draughted by Mr. Madison, now President of the United States, upon this subject. It was then considered the standard of Republican opinion, by all who professed to be of that party. It in substance declares, that though the General Assembly view with indignation the violations of our commerce, the imprisonment of our seamen, and other wrongs committed by foreign nations, yet detached as the United States are from European concerns, they should deprecate a war waged for any other object except self-defence, in cases of actual invasion. This resolution had an eye to our relations with France, from whom we had then received every injury and indignity she could inflict, and with whom we were in a state of partial hostility; but it explicitly declares, that we ought to engage in offensive war, for no object whatever. Let the sentiment be compared with the conduct of the same men now they are in power.

Sir, I am one of those who doubt our capacity to obtain the conquest of the British provinces. I believe that the opinion, that we are a very powerful nation abroad, is a fanciful delusion. To be powerful abroad, requires a Government of sufficient energy, not only to bring into action all the physical and pecuniary resources of the country, but to command them promptly. The very nature of our Government, where every thing depends immediately upon the people, forbids the idea that you can affect one or the other. The inconveniences and privations to which they must be subjected, are sufficient causes with the great body of the community, who do not perceive very distinctly how they are to be benefited by an offensive war, to turn their faces against it. Their Representatives, knowing their feelings,

dare not press them with a heavy hand, which at once destroys every thing like energy. Besides, the want of promptitude, the characteristic defect of such a Government, whose powers are divided into many hands, prevents the resources even within their reach to be obtained and applied in time to insure success. The consequence of all this is—imbecility in obtaining, and want of celerity in applying the necessary means. This may be considered as a very great evil, particularly to those who have presented to us the example of Rome in her proudest days, when she was mistress of the world, for our imitation. Sir, I rejoice that such is the state of my country. It is the legitimate offspring of our free institutions. The people are strong and the Government is weak; whenever this state of things shall be reversed, then shall we be able to inspire terror into other nations. But until that period shall arrive, we shall exhibit weakness and slowness of action, as to all offensive and external purposes.

To retain the British provinces as an indemnity for our losses, is an event which I cannot wish, because I can see no possible benefit resulting from it. Have we not already territory enough? Is it desirable to incorporate with us a people composed of heterogeneous materials, who are not only unaccustomed to our institutions, but many of whom entertain an unconquerable hatred for them? I believe it would have been better had we never acquired any foreign territory at all. If we had been contented with the limits embraced by the old thirteen United States, the prospects of remaining a united people, and preserving our free institutions, would, in my conception, be much more flattering. I am, therefore, opposed to new acquisitions. But it is repeatedly urged that the possession of Canada is necessary to secure us from the hostilities of the savage tribes on our northwestern borders; was this the fact, I might yield my assent to prosecute the war to attain that object. But experience has shown that we can have peace with them, though Canada is in the possession of a foreign power. For seventeen years after the Treaty of Greenville we were entirely exempt from Indian hostilities; and not until we waged war ourselves, did they become troublesome upon our frontiers.

My apprehensions are not solely confined to the danger resulting from military power; there are other consequences equally to be dreaded, which I fear may overwhelm us, should we continue in this course. There is one peculiarly delicate, but equally important—so delicate, that gentlemen have supposed it ought not even to be mentioned. Sir, shall I not be permitted to point to the yawning gulf beneath? Shall I not attempt to arrest your progress in the path where lies a serpent that will sting you to death? I deprecate disunion as an event pregnant with every evil. The moment it happens, civil liberty is banished from this country. I feel deeply interested that it should not happen. Permit

me, however, to observe, that a union is connected by a consciousness which is felt that the various interests of the different sections are consulted and protected, and not by force. If you wish to perpetuate the Union, you must preserve that opinion. The moment that it shall no longer exist, the ties that bind us together become feeble indeed. The present war, though ostensibly waged for principles in which the Northern and Eastern people have a deep interest, is considered by them—and they certainly understand their interest best—as calculated to prostrate it. They feel the evils of your measures daily, and they see no prospect that they ever will be benefited by them. The physical power of the country is in their hands, and it requires nothing but public sentiment, which quickly follows public interest, and you ripen them for a state of things most of all to be deprecated. I hope we shall avert the evil by banishing the cause of discontent.

Besides the immediate physical evils which present themselves as probably resulting from our measures, there are other moral evils which I must dread. Our Government was made to secure the happiness of the people, and every thing which even remotely is calculated to impair their moral sense, will have an effect upon their situation. When the people shall become attached to principles inconsistent with morality, or with their tranquil, civil pursuits, their prosperity and their freedom are at hazard. The spirit of conquest and of military glory, however fascinating, is baneful to the prosperity and liberty of every country. This spirit has shown itself in our country, of late, in an unusual degree. We have become tired of the peaceful character of our pursuits; and we want nothing but success on this first attempt to encourage us to become a great military nation, attempting conquest in every quarter. Whenever that happens, we shall share the destiny of other nations. When the same spirit and the same councils prevail, the misery of the mass of the people is the support of the national glory.

One of the evils which I dread, as attending the war, and in my opinion not the least, Mr. Chairman, is, that we have united our exertions with the efforts of the great destroyer of mankind, who, having prostrated the independence of almost every nation on the continent of Europe, has drawn us into our present situation, to assist him in humbling his remaining enemy, whose destruction is, above all others, nearest his heart. I do not believe that gentlemen are so far lost to all sense of their country's interest, as designedly to unite the destiny of this nation with him, who lives only to destroy. I believe them, when they declare that such is not their intention. But we are united in fact. His ostensible object is the liberty of the seas: so is ours. His successes are our successes, and his defeats are our defeats. Being thus associated in fact—having one common object—if the war continues any time, we shall be associated in

name also. When pressed beyond our present expectation by our enemy, we shall not make any difficulty in submitting to arrangements which may appear to us advantageous, but which are calculated to fasten us to the car of the conqueror. We may want men to enable us to obtain the object of our offensive operations in the North; France can furnish them. We may want ships to defend our coast: we can obtain them from the same quarter. But, for these things, we must stipulate an equivalent; and what can that be, but to unite in striking England from the list of independent nations?

Mr. ROBERTSON.—Mr. Chairman, I am well aware that the House will listen (if it listens at all) with much reluctance to a further discussion of the subject under consideration. Nevertheless, it is my intention explicitly, but concisely to state some of the reasons, which influence me to support the measure proposed; some of the views connected with them, which command my approbation, and induce my aid. Sir, I propose to make a few remarks on the bill itself, and subsequently, without following gentlemen in the wide and expansive range of argumentative, declamatory, and defamatory eloquence, in which they have thought fit to indulge, to reply to some of the observations which struck me with most force, and which my memory still retains.

The honorable Chairman of the Committee on Military Affairs is entitled to the thanks of this House, and of the nation, for the able and lucid exposition he has given, of the plan intended to be pursued by the Government in the prosecution of the war in which we are engaged, and of the objects for the attainment of which an increase of the Military Establishment is deemed necessary. What is that plan, and what are the objects in contemplation? The power of the nation is to be called out; a portion for a defence of our seacoast and extensive frontier: the residue to be sent forth to battle against our implacable foe, to drive him from the American continent, and thus to insure our future peace, if not our Union and independence. These objects are avowed, and efforts and energy are necessary to their success.

The propriety of defending our country can be denied by none. This proposition is clear. Even the gentlemen on the other side of the House (as it is fashionable to speak) do not oppose it. For myself I do not hesitate to say, it presses itself on my feelings with irresistible force. When I take into consideration the exposed situation of the people whom it is my pride and honor to represent, when I view them surrounded by numerous and warlike tribes of Indians, skirted by strongholds in the possession of a nation devoted to our foe, containing in the bosom of their country a class of beings always on the watch to overwhelm them in ruin, I lose sight of other considerations, and am compelled to urge, as I do most earnestly, that no obstacles may be thrown in the way of

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our complete protection. I have lived for some years in the country to which I have called your attention. I have not been altogether an inattentive observer, nor indifferent to its interests. The neglected state of the militia under the territorial government, its present unorganized and unarmed state, have not escaped my notice. But we must "blame the culture, not the soil." The inhabitants are brave, expert in the management of the horse and in the use of arms. The materials are good. It is unnecessary to dwell on these, or to mention other circumstances of an internal nature. Suffice it to be observed, our situation is insecure. I have stated, sir, that we are surrounded by numerous and warlike tribes of Indians. I will not recount their numbers, nor blazon their powers of doing mischief. Those facts are too notorious to require repetition. I have stated that strongholds in our immediate neighborhood are in the possession of a people devoted to our enemy. The Spaniards on our eastern frontier are under their perfect control. They considered the English as fighting for the independence of Spain, their native country, their religion, and their King. In their towns an extensive British trade is carried on, and from their ports, where they refit, issue forth the armed vessels of that nation to the annoyance of the commerce of our country. The Indians too are excited against us. On my journey from New Orleans to this place, passing through the Creek confederacy, I received certain information that the Spanish commandant at St. Marks had assured them that their friends the British were expected soon in considerable force at that place and at Pensacola, and that they should be furnished with arms and other munitions of war to be used against the Americans. Sir, humanity to that people, as well as the irresistible claims we have to protection, require that a force should be stationed on the Mobile and Mississippi sufficient to prevent the effect of British and Spanish machination, or to throw back on themselves the evils of hostility.

I now proceed to examine some of the objections which have been made, not to the bill, but to the further prosecution of the war. The war is denounced as unconstitutional, cruel, the effect of French influence, and as intended to place James II. on the throne of America. In making the first objection, gentlemen could not have been serious; they could not have expected that it would have been deemed worthy of an answer. The power to make war belongs to all nations; is of the essence of Government; but the Constitution of the United States gives it expressly, in so many words: "The Congress shall have power to declare war, to raise and support armies." Whether the war be defensive or offensive, depends on circumstance and accident, but cannot affect the right. If war be defensive and offensive, still the whole is equal to its parts. But to what does this doctrine lead? Do gentlemen believe it to be true? Then it becomes their duty to move for the ap-

pointment of a committee to inquire into the circumstances of the capture of the *Macedonian*, and if it be discovered that she was taken at more than a marine league from the shore, to cashier the American officer, declare the attack and capture unconstitutional, and restore the vessel to her former master. Then an enterprise, giving rise to a new era in maritime history, and entwining round the brows of the United States a wreath of imperishable laurel, turns out to be a violation of that instrument on the sacredness of which depends the Union and happiness of America. The war is not unconstitutional, nor can it, by any possibility, be so considered.

But it is said that, as the Orders in Council are repealed, the question of impressment is the only one in controversy between the United States and Great Britain; and, on the subject, the honorable gentleman from North Carolina, (Mr. PEARSON,) has, without difficulty, settled principles about which jurists have differed in opinion. He contends that individuals cannot divest themselves of their allegiance; that the right of expatriation does not exist; that the practice of naturalization is wrong. These opinions are as erroneous as they are repugnant to every principle of human liberty, and owe their origin to feudal times and feudal States; times and States, the prolific sources of the vilest principles in politics and morals.

I believe that every civilized nation under the sun is in the practice of naturalizing foreigners. The omnipotent Parliament of Great Britain exercises this right. The rights of all independent nations are equal. Whatever course Great Britain pursues in relation to the subjects or citizens of other countries, these countries are authorized to pursue in relation to the subjects of Great Britain. Whatever her admirers may say to the contrary, if she does not acknowledge, she is compelled to act in conformity to this principle. Where is there in her history an example of her punishing as a traitor, a Briton naturalized by a foreign Government, although found in arms against her? If a subject could not divest himself of his natural allegiance; if once a subject always a subject, were true, how is it that Napper Tandy was suffered to escape punishment? Why was he not hanged as a traitor? He was born in Ireland, became a French citizen, served in war against his native country, was taken, tried, and found guilty of high treason; but when a terrible retaliation was threatened by France, in the event of his execution, that nation, which never yields to threats, restored him to his then adopted country.

But gentlemen are opposed to the further prosecution of the war. Do they contend that the causes which rendered it necessary have been removed? Have we obtained the objects for which it was commenced? Is the new and before unheard-of system of blockade abandoned? A system which, under the pretence of being a military measure, was converted into a

commercial scheme beneficial to the belligerents, and destructive alone to the rights of the neutrals. Have our citizens been restored to their country? Is any disposition evidenced to omit tearing them from their homes and families in future? What will be the consequence of laying down our arms, of shrinking from our present attitude? We are at the feet of Great Britain: and after having for years attempted in vain to obtain justice, we are to recommence fruitless negotiation. Admit that we are unable to enforce our demands, to support our independence, that we cannot carry on war, that the friends of the British Government in this country (to use their own expression) will not permit us; in such a situation, with such admission, to expect justice would be folly in the extreme. England would return to her habitual spoliations, would re-establish that state precisely the most beneficial to herself, the most injurious to us: infinitely better to her than peace on fair terms, for then the opportunity would be lost of feeding and enriching her navy at our expense; better than war, as the numerous prizes brought into her ports of late very clearly prove. Formerly the losses were exclusively ours. Yes, sir, willingly would she return to, and forever continue, her former career of depredation; and the next ten years would add another thousand to the thousand American vessels already carried into her ports.

Too long did we suffer disgrace and degradation. Peace, with all its blessings, may be enjoyed at too dear a price. But yet, while it was possible to preserve it, we shut our eyes against the most flagrant injuries; we affected not to hear the loudest insults. Peace was congenial to our habits, favorable to the principles of our Government. It was not to be apprehended it would be, nor cannot be now believed that it was wantonly abandoned. Whilst tranquillity prevailed it was wise to dwell on its advantages. Now, that in spite of all our efforts we are at war, it is well to inquire whether circumstances may not grow out of it favorable to our future happiness and prosperity.

The British possessions in America present themselves to our view and invite a conquest. I am struck with the contrariety of opinion which prevails among gentlemen. Some of them speak of the country as barren, the climate as inclement, the inhabitants thereby scattered over the face of the territory. If this be true, it will not be considered as worth defending, and as by its loss Britain loses nothing, the sympathy which she seems to have excited, and the doleful jeremiads to which her anticipated disasters have given rise, are as unnecessary as they are misplaced. But others say, no doubt from its importance to its European sovereign it will be defended to the last extremity; that the United States cannot take it; that the army we propose to send into the field will prove insufficient. When gentlemen differ so widely, no satisfactory conclusion can be drawn from their opinions. Sir, Canada will be defended,

and it is from a belief of that fact, and from a knowledge of the force which Great Britain may bring into the field, that the troops now demanded become necessary. We have heard an estimate of that force too often to be again repeated. It has lost nothing of its magnitude and importance. Its valor has received the highest praise, and we are triumphantly asked if we expect to intimidate Great Britain.

Sir, none but cowards calculate on the cowardices of their foe. We do not expect to intimidate her. We expect to meet her armies in the field and to vanquish them. The power of Britain must be extinguished in America. She must no longer be permitted to corrupt the principles and to disturb the peace and tranquillity of our citizens. Our frontier inhabitants must not be kept in dread and danger from her Indian allies. And never shall we be secure among ourselves, and exempt from the mischievous intrigues of Europeans, until European power is expelled across the Atlantic. The gentleman from Massachusetts says, that Canada entered into the scheme of the war. It certainly does now enter into the scheme of the war. Sir, no citizen of the United States would have given his consent to an unprovoked attack on that country merely for the purpose of getting possession of it. But I do, for one, rejoice that, under present circumstances, we thus have an opportunity afforded us, not only to make our enemy feel our power, but to drive him from this continent, and to remove one of the most frequent causes of war among nations—neighborhood and contiguity. The evils of peace, on the terms of gentlemen in opposition, cannot be borne. Let us then, with firmness, persevere in the contest in which we are engaged, until it can be terminated on principles compatible with the rights and honor of the nation.

The committee now rose, reported progress, and obtained leave to sit again.

TUESDAY, January 12.

#### *Additional Military Force.*

The House again resolved itself into Committee of the Whole, on the bill to raise an additional army of twenty thousand men, for one year.

Mr. EMORY addressed the Chair as follows:

Mr. Chairman: I mean no common-place remark, when I declare to you, that I address you on the subjects which have been brought into this debate, and as I think properly so brought, with great reluctance. My general deportment since I have been honored with a seat on this floor, is sufficient evidence to you and the committee that I feel an unwillingness to mingle in the war of words which is carried on here. There are causes which add to this repugnance on the present occasion. The debate has been continued for such a length of time, and in part has been conducted with so much asperity, that the minds of all have become fatigued, and the



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passions of many inflamed. I know, and I duly appreciate the difficulties which, under such circumstances, surround and face the speaker. But, sir, there are considerations of public duty, and individual propriety, which urge, nay, demand of me, to ask your patience, and the indulgence of the House, while I present to you and to them my view of the great subjects involved in this discussion.

Mr. Chairman, I am aware that, in the discussion I am about commencing, I shall render myself obnoxious to the wit of gentlemen who think that, to bring into view other topics than those which arise out of the details of the bill now on your table, is to go beyond the range of legitimate debate. The bill contemplates the raising an additional military force of twenty thousand men; thus increasing the Military Establishment, or the standing army of the country, to upwards of fifty-five thousand men. Now, sir, with the details of this bill I have nothing to do. Nay, I will confess to you that I like the bill as it stands, providing for enlistments for one year only, better than I should were it amended, as has been proposed, by prolonging the terms, precisely for the reason that the force will be less efficient and dangerous, and more under legislative control. I meddle not with the fitness of the instrument. That is the business of other men; but, being opposed to the continuance of the war offensively, as I was to its commencement, I cannot consent to grant any further force to carry it on. The only check, or control, which the Legislature can constitutionally have over a war after it is begun, is in withholding the means; and, in voting the means, either in men or money, every member of the Legislature ought to be satisfied of the necessity of prosecuting the war.

According to my best judgment, sir, this war was improperly commenced, and it is unnecessarily continued; and I shall now proceed to explain the grounds of that judgment by an examination of the causes of the war, as they existed at its commencement, and as they now remain. As this is the first time the subject has been brought into debate, and, indeed, the earliest opportunity which has been allowed, of an open discussion, I am sure I shall be pardoned for going into detail, if I even should be tedious, as I know I shall be uninteresting. It is a right which I think I may claim, to state distinctly my reasons and motives for the votes which I have given, and may give, in relation to the war, after what has been said in this House, and out of it, about the opposition to the views of the Administration.

In making this examination, I shall pass in review, in as brief a manner as possible, the three great subjects of complaint against Great Britain; her orders of blockade, her Orders in Council, and her practice of impressment. But for one or all of these, the war certainly would not have been declared; and I may assume that, for but one or all of these, the war ought not

to be continued. I cannot, indeed, but recollect, that the gentleman from Louisiana has mentioned the conquest of Canada, and of the Floridas, as causes for the continuance of the war. As respects the Canadas, I have heretofore understood that their reduction might be a consequence of the war, but never until now did I know that it was to be shifted into a cause for carrying it on. And, in regard to the Floridas, I will not consent that their conquest should, in the existing relations of this country, be either a cause or consequence of war. I will confess to you, that an invasion of the colonies of Spain at this time, under the stale excuses of convenience or necessity, strikes me with abhorrence. It is not only against the genius of our Government, and, as I hope, the character of our people, but, if persisted in, will be a foul blot in our national history.

[Here the speaker entered into an elaborate documentary investigation to show that the Decree of Blockade, and the Orders in Council, were not adequate causes for war at the time it was declared—and that both these causes had since ceased to exist, the Orders in Council having been revoked, and the fictitious, or paper blockades, discontinued.]

**Impressment of Seamen.**—The injury done to our seamen under the British practice of impressment, was also made a cause of the war, and to the eye, at least, it is the only one which now remains.

Mr. Chairman, the discussion of this subject is attended with adventitious difficulties, growing out of the times and the state of the country. The public mind, in some sections of the Union, is in such a feverish state on this account, from tales oft told of bondage worse than negro slavery, and of condemnation without trial, that the person who is willing to "hear the other party," is at once branded with foreign partialities, and threatened with the trial by mob. Besides, sir, it is intimated that a negotiation is to be had, or may possibly be attempted, which may be affected by an open discussion of the topic. In point of duty, I feel myself called upon to take some notice of the subject, but my view of it will be less perfect than in a different situation I should think desirable.

The President, in the war Message, thus introduces the subject: "British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a belligerent right, founded on the law of nations against an enemy, but of a municipal prerogative over British subjects." As this does not present the case in its true light, I shall, for the purpose of fairly bringing to view the conflicting claims of the two nations, give you an extract from the letter of Mr. Madison to Mr. Monroe, of the 5th of January, 1804, containing instructions for a treaty with Great Britain: "With this excep-

tion, (persons in the military service of an enemy) we consider a neutral flag on the high seas, as a safeguard to those sailing under it. Great Britain, on the contrary, asserts a right to search for and seize her own subjects; and under that cover, as cannot but happen, are often seized and taken off, citizens of the United States, and citizens or subjects of other neutral countries, navigating the high seas, under the protection of the American flag."

The claim, then, on the part of the British is, that in time of war they have a right to enter neutral merchant vessels on the high seas, to search for and seize their subjects, being seamen. On our part it is, that on the high seas the flag shall cover and protect all sailing under it, whether British subjects or American citizens. These are distinctly the claims of right on the part of the two nations, and I shall so consider them, without regard to practice apart from right.

One or two remarks, sir, before I enter upon the subject. The first is, that I do not mean to moot the point, relative to the rights of our naturalized citizens, or the extent of our duties towards them. But this I will say, that I am willing to give them all the protection which the situation of the country and its true interests will justify. I know that the unruly passions and the meddling dispositions of some foreigners, have raised prejudices in the minds of many persons against all foreigners. But I know, also, and I speak without reference to political opinions or prejudices, that among our naturalized citizens are to be found men, and many men, too, of great worth and respectability, and who are extensively useful to the country. These men have my good will, and it is certainly my wish, that they should be fostered and protected, as far as it can be done, without putting at hazard the great interests and the permanent welfare of the country. But, sir, to this class of our citizens, the claim that they are to be protected on the high seas by our flag, is really of little importance. Our claim never was, and I am sure never will be, that they are to be protected, if they put themselves within the power of their former Sovereign, by going to his ports, or placing themselves on his territories. And yet such is the state of the commerce of the world, that it can scarcely happen in a mercantile voyage, in this or the other hemisphere, that the vessel will not at some time be in a British port, and the crew on British ground; our right of flag will not then save our adopted citizens from impressment. For the slight benefit, therefore, to our naturalized citizens, which can arise under our claim, if established, I am sure the well-meaning and reasonable part of them will not ask the country to continue the war on their account.

Another remark which I wish to make is, that I am most decidedly the friend, nay, sir, if you please, the partisan, of the seamen of the country. I have no doubt that this nation is destin-

ed to be a great maritime power; and that, in times not very far distant, we are to owe our prosperity, as a commercial people, and possibly, under Providence, our security, to our seamen. I am therefore a friend to "seamen's rights," properly understood and fairly enforced; but this shall not blind me to the rights of others. Besides, in a war to be carried on for seamen alone, and that, too, on the abstract question of the right of flag, I can see great danger to the seamen in their just claims to protection; and, I must beg their friends, in and out of this House, to reflect before they act. As surely as the war is continued on this ground alone, so surely will seamen become unpopular, and their rights be neglected. When the evils of the war press upon the country, and press they will; when the many lives sacrificed, and the countless millions expended, shall be brought to view, is it not to be apprehended that seamen and their claim will be remembered, only as the cause of the scenes of expense and blood through which we are to pass? It is not dealing fairly with our seamen, to make them the scape-goats of this war.

The British then claim the right, in time of war, to take their seamen out of neutral merchant vessels on the high seas.

*Is this claim a novel one?* That the claim is novel, is certainly intimated by the Committee of Foreign Relations, when they say that the impressment of which we complain, is "a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our Revolution." Indeed, it has been most roundly asserted, and by many it is believed, that the British claim was made for the first time after our war; that it originated in views hostile to our commerce and maritime rights; and that in practice it is only brought to bear upon us. In truth, however, whatever may be the justice of the claim, it is not a recent one. It has, in a greater or less degree, been practised on in all the wars in which England has been engaged for the two last centuries.

The instructions to armed ships are not frequently made public; but it so happens that we have in print an instruction on this very point, given in 1646, by the Earl of Northumberland, Lord High Admiral of England, to Sir John Pennington, which goes beyond the present claim: "As you meet with any men of war, merchants, or other ships, belonging to any foreign Prince or State in any road where you, or any of His Majesty's fleet, may happen to come, you are to send to see whether there be any of His Majesty's subjects on board; and if any seamen, gunners, pilots, or marines, (whether English, Scotch, or Irish,) be found on board, you are to cause such of his Majesty's subjects to be taken forth, and so disposed of as they shall be forthcoming, to answer their contempt of His Majesty's proclamation in that kind." These instructions were modified in the reign of Charles the Second, so as to exclude public

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armed vessels, and with this modification they have come down to the present times. If it were at all necessary to the purposes of my argument, I might show that this right has been exercised both towards France and Holland, long before we had existence as a nation. Their vessels have been searched, and British seamen taken from them. But enough has been said to prove that the claim, if unjust, is not novel.

*Is the claim peculiar to the British?* I am justified in saying that this claim, in time of war, to search for and seize seamen in neutral merchant vessels, on the high seas, has been made and exercised by every maritime nation in Europe. To be more particular—I assert, and stand ready to prove, that it has been made and enforced by France as well as England, and is now. It would be a waste of time to go very much at large into the French usages on this subject. I propose to do little more than to refer to one or two French ordinances, and then show from our State papers their practical application to us.

By the French laws, and they are ancient laws, the seamen of the country are all classed, and enrolled, and licensed. In 1784, an edict was made which is still in force, declaring, that any classed seaman, who shall, in time of peace, be found serving in foreign ships, shall be sentenced to fifteen days' confinement, and reduced to the lowest wages, and serve two years extraordinary at the lowest rate; but those who, in time of war, shall be arrested in foreign ships, or passing into foreign countries, shall be sentenced to three years' service in the galleys. Under the authority of this, and similar ordinances, the French have taken their seamen out of our vessels, and in some instances our seamen with them.

Mr. Chairman, the first proof relative to the committee, is the impressment document of January last, known to the American people as the 6,057 document. The Secretary of State, Mr. Monroe, at the close of the introductory report, says, "it is equally impossible, from the want of precise returns, to make an accurate report of the names or number of citizens of the United States, who have been compelled to enter into the French service, or are held in captivity under the authority of that Government, whether taken from vessels captured on the high seas, or seized in rivers, ports, or harbors; the names of a few only, greatly below the number believed to be so detained, being within the knowledge of this Department. A detail therefore is not attempted, with respect to this part of the call of the House of Representatives." Yes, sir, it is known to the Administration, that some of our citizens have been compelled to enter into the service of the French Emperor, while others are held in captivity by him. Ask, however, for their names, and you have for answer, that all the persons detained are not known to the Government, and therefore it cannot be material that you should have the names of

any. Say to gentlemen, here is a case of American rights violated, and you will be told, that the injury, in practice, is not of sufficient importance to justify strong measures against the French Government. Be it so. But attempt to prove to the same gentlemen, that the practical operation of British blockades and Orders in Council, is not such as to require war, you will then hear, that it is necessary to fight about the principle.

I have one other paper to lay before the committee, on this subject. For some years back, the information about French impressments has been general and vague, or altogether withheld. Formerly this was otherwise. In a report respecting the impressment of seamen in 1797, made by the Secretary of State to this House, on the 27th of February, 1798, we have the names of upwards of twenty American citizens, taken out of American vessels, on the high seas, by French privateers. We have more, sir. This same report states, that two French seamen named Lewis had been impressed from on board the American ship *Bryseis* by a French Commodore's ship; that Francis Gibbons, a native of France, but married and resident at New London in Connecticut, was impressed from the American ship *Edward*, at Rochefort, by authority of the French Republic, and put on board a French ship of war: and that Henry Doughty, an American, was impressed at sea from the American brig *Elsa* by the French frigates *Lapancey* and *Thetis*. I could instance other cases, but these are sufficient to show, that neither the claim nor the exercise of it is peculiar to the British.

If this right, or claim of right, however, is made a mere pretext by any nation to seize and detain our seamen, I am willing to allow that it would be a cause of war. But even in this case, war ought not to be waged until we have done our duty to our seamen and the offending nation, by making suitable regulations to prevent the employment of the seamen of such nation. Have we done this, as respects Great Britain? Perhaps some such regulation is to be found in the law which defines what vessel is an American vessel, and which, as such, is entitled to hoist our flag. Look at it, sir. According to the act of December, 1792, an American ship is one wholly owned by an American citizen, and commanded by a person also a citizen. The crew may be all foreigners—all Englishmen, if you please—all English deserters. In this, therefore, we find no security to the British Government.

But, we have also the law of May, 1796, which provides, that the collectors may register seamen calling themselves American, and grant certificates of citizenship. Out of this law, it is presumed, has grown the practice of granting protections, as they are called—papers procured from notaries and magistrates, oftentimes on the most barefaced perjuries, and always considered as a species of negotiable property for value received. Sir, these protections, in their abuse,

are a scandal to the nation. It has made false swearing an employment, and the granting of false papers a business. The price of such a paper is as well known in the great seaport towns as is that of your stocks. All ages and complexions and tongues may have this badge of citizenship, by paying the charges in such cases provided. If this, however, was not so; if protections were only granted to real Americans; it is difficult to see how this is to prevent the employment of British sailors. It is not necessary that the persons navigating an American vessel should have them.

This act of ours was presented to the British Government by Mr. King, in January, 1797, and Lord Grenville, on the 27th of March following, in a manner highly conciliatory, and certainly with much force, stated specific objections to the law. The Executive, when in July last he answered the call of the Senate for papers relative to impressments, omitted this letter of Lord Grenville, but he gives a letter from the then Secretary of State, to our Minister at the British Court, of the third of October, 1797, in which the force of the objections seems to be admitted: "Lord Grenville's observations on the act of Congress for the relief and protection of American seamen, present difficulties which demand consideration at the ensuing session." Nothing was, however, done at that or any future session. In truth, we have done nothing to prevent the employment of British seamen in our public or private ships; and they are to be found in both. And yet, with this fact staring us in the face, we are called upon to say that the war is altogether just on our part!

It will probably be urged that the British practice under this claim, in its application to us, was sufficient to prove that the reclamation of their seamen was not so much the object of the British Government, as the seizure of our seafaring citizens: that it had become so outrageous as not only to justify, but to require war. Without, sir, meaning to excuse or to palliate the taking even the cabin boy, if done knowingly and wittingly; and being willing to admit, that about the period of the attack on the Chesapeake, we had much and serious cause to complain on the subject, I must be permitted to say that I have not evidence to satisfy me, that when we declared war, the practice of the British was such as to prove that the claim on their part was a mere pretext to take our sailors. In truth, I believe, if the Administration have not deceived themselves on this subject, that they have attempted a gross deception on the public.

The instructions given at this day, by the British Admiralty to a naval commander, on this subject, directs him, "when he meets with any foreign ship or vessel, to send a lieutenant to inquire whether there may be on board of her any seamen who are the subjects of His Majesty; and if there be, to demand them, provided it does not distress the ship; he is to de-

mand their wages up to the day; but he is to do this without detaining the vessel longer than shall be necessary, or offering any violence to, or in any way ill-treating the master or his crew." Mr. Monroe may perhaps recognize in this, the instructions shown to him after his arrangement, and of which he declared himself satisfied; but whether he does or not, it must be conceded that it provides for a moderate exercise of the right. The person who is to make the search is an officer of some standing; he is only to take seamen who are British subjects, excluding thereby, not merely our citizens, but all foreigners; and he is not to take even British seamen, if, by it, he destroys the crew, or endangers the vessel. Allowing the right to exist, it is difficult more fairly to regulate its exercise.

But it may be urged that the practice of the British commanders does not correspond with these instructions; that they search and seize at large, according to their will and pleasure. I know, sir, that the habits and education of a military man, not unfrequently make him act as if power and right meant the same thing: and I, therefore, have no doubt that there have been abuses. But I do most conscientiously believe that these abuses have been greatly magnified, and are, even by the well meaning, vastly overrated. I am aware that I shall be referred to the impressment document of last session. This document, sir, is so illy understood, and has been the source of so much misrepresentation, that I must be allowed slightly to review it.

The Secretary, in the report says, that the list transmitted had been received from our agent at London, and "contains the names of American seamen and citizens who have been impressed and held in bondage in His Britannic Majesty's ships of war, for the several quarters of 1809 and 1810." The list is headed, "A return or list of American seamen and citizens who have been impressed and held on board of His Britannic Majesty's ships of war, from 1st of April to the 30th of June, inclusively," and so of the other quarters. Now the plain meaning of this is, if any meaning it has, that the persons whose names were thus sent to us were impressed and made to serve on board British armed ships, at some period in the years 1809 and 1810. Indeed, this has been so stated in this House, and in the Administration prints. And yet the most superficial examination will show that this is not true. Let me read to you one or two names: "4868. David Wiley." In the column of the "result of applications and remarks," we have this explanation of his case: "Impressed on shore at New Brunswick, and taken on board the Plumper, was detained two days, when the commander put him on board a vessel bound to Aberdeen, from thence worked his passage to London, and appeared at this office 29th August, 1805; is evidently an American. Discharged." Here, then, we have a man who was not on board a British ship in

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1809, and whose "bondage" did not probably continue more than two days.

Again, "4936. Richard Butler, representing himself of Petersburg, Pennsylvania. Impressed 1797 at the Cape of Good Hope, from the Mercury of Baltimore, and detained on board the Garland." Remark: "Remained on board the Garland two months, then draughted to the Tremendous, in which he served two and a half years, was then discharged; has never received his wages or prize-money; says he was well used on board both ships. Was discharged as an American citizen at the Cape of Good Hope; his pay and prize-money lists were given to the consul at the Cape. Discharged." This man, therefore, according to the statement of our Consul, so far from having been impressed and held on board a British ship in 1809, had been impressed in 1797, and discharged in 1799. I might, sir, give you many other cases equally strong, but these are sufficient to prove that, by design or mistake, the document is wrongly headed; that the persons named in the list were not all on board British ships in 1809 and 1810; and, therefore, that, in its general results, it does not show the state of the British practice in those years.

In truth, the list is nothing more than the return of the names of persons who, within the year, had applied to Mr. Lyman, our Consul and agent for seamen, for protections against future, or for his aid in getting released from present impressment. It was his duty, as I do not doubt it was made his interest, to receive all applications, and when necessary, to lay them before the proper British authority. Jew and Greek, Turk and Christian, the growth of our own soil, and the produce of other countries, all threw themselves upon Mr. Lyman, and he, laboring in his vocation, granted patents of citizenship, or made his claim on the British Admiralty. Sir, there is not a man who, in practice or by inquiry, has made himself acquainted with the manner in which this business is transacted, but knows that many foreigners who never saw this country, or sailed under its flag, have attempted, by application to our agents abroad, to shield themselves against British impressment. The Secretary of State, Mr. Monroe, needs no information on this subject, having himself resided in London as our Minister. It was the duty of our agent to send home some account of his proceedings, and I have no objection to his making such a list as we have before us. But I do object to its being palmed on the American nation as a true history of British impressments affecting our people and nation. I pray you look at this list. In the year commencing in April, 1809, and ending in March, 1810, we have about nine hundred and forty names; and of these, about seven hundred are given with blanks in the columns for the "towns and States of which they represent themselves to be citizens"—"when impressed"—"where impressed"—"ships from whence taken"—"nations"—

"masters." The time and the result of the application are only given. And from these entries in Mr. Lyman's book you are called upon to admit that the applicant was an American, and that he was impressed in the year 1809 by the British, on the high seas, out of an American vessel. Really, this is asking too much.

Mr. Chairman, I have examined the list from April, 1809, to April, 1810, with great attention, for the purpose of ascertaining the number of impressments which took place in that year, and I will now make to you one or two statements, which may cast some light on the subject of the British practice. The number which, by the list, appears to have been impressed in that year, is one hundred. It will be understood that in this number I do not include those whose names are carried out in blank, as has been stated. It is uncertain whether such persons ever were impressed; and, at all events, it is fair to presume, that their service on board British ships had commenced before 1809, or otherwise there could be no difficulty in giving dates. Of the one hundred, seventy-six were discharged, and six had deserted, leaving less than twenty to be accounted for.

Another result: Of the persons thus taken, fifty-seven were impressed on shore, and forty-three at sea. Again: Thirty of these seamen, when impressed, made part of the crews of British vessels, and thirty-four American vessels; and of the thirty-four, twelve were taken on land; leaving about twenty-two persons taken from American vessels on the high seas. It is possible, sir, that in these statements I may not be perfectly accurate; I am certain, however, that I am substantially so.

I do not mean to represent that this is a full account of all the impressments which took place in 1809; on the contrary, I admit that it is not. Many impressments were certainly made of persons undeniably British subjects, who would scarcely think of applying to Mr. Lyman, and will not, therefore, be found in his book. Many persons, also, having a right to his interference, were not then known to him. My object in making these explanations, was to show that the 6,057 document does not furnish such strong evidence of British aggression as has been supposed.

The number of our seamen impressed by the British has been so variously represented, that I have, from motives of curiosity as well as duty, been desirous to arrive at something like a reasonable certainty on the subject. We hear of ten, twenty, nay, forty thousand of our citizens, confined in the floating dungeons of Great Britain, fighting her battles against their will. The evidence of this, however, is only to be found in the imagination of gentlemen. It is the old story over again, of the "six men in buckram." In part representing the greatest commercial State in the Union, it may be expected that I have some personal knowledge on this subject, but indeed I have none such to

give. Is there not in this some proof that the evil has been magnified? I have sought for information in quarters where only it is to be found, among the shipping merchants and ship owners of the country. I will now furnish you with the opinion of an intelligent gentleman from Marblehead, whose means of information are ample, and whose veracity will not be doubted. I mean my friend from Massachusetts, who sits before me. (Mr. REED.) He has favored me with this statement.

"In answer to your inquiry relative to the seamen of Marblehead, I have to remark that the average shipping of that port, for the last twenty years, may be estimated at about 19,006 tons, of which it is fair to calculate ten thousand tons were employed in foreign commerce, and the residue in the fisheries and in the coasting trade. Allowing six men to every hundred tons, which is the usual estimate, it gives an average of eleven hundred and seventy-six seamen in all, and six hundred in our foreign trade, each year; the number of seamen, therefore, employed from Marblehead for the last twenty years, must have been considerable, say five thousand. I have resided at that place nearly twenty years, and, during the greater part of the time, have been actively engaged in commerce. According to my own recollection, aided by that of others who have the best means of information, I do not believe that twenty of the seamen of Marblehead, native or naturalized, have been impressed by the British within the twenty years, and it is not known that one has been demanded without being released."

As there is no reason to suppose that Marblehead has been more fortunate with respect to impressments than other places, we have here something whereby to form an estimate of the number of our seamen taken by the British. My own conviction is, that the American seamen, impressed and held by the British, at the commencement of this war, did not much exceed five hundred in all, and certainly did not amount to one thousand. Permit me, sir, to mention one circumstance which speaks loudly on this subject. If the practice of impressment had been as outrageous as has been represented, it must have fallen with great force on the Eastern States, as it is there the mass of our seamen are found. We are then to expect much feeling and passion on this account. The war must be popular when the cause of it is brought home to every man's door. No such thing, sir. The war is confessedly odious there. It is in States where seamen never grew that the war has its strongest advocates. It is there that you principally find the dark pictures of sailors' sufferings, and hear the loud and long appeals to the sympathies and passions of the people about seamen's rights and seamen's injuries.

I have now, sir, finished the remarks which I intended to make on the British claim and practice of impressment. We have for years past had so much idle declamation on the subject, that a dispassionate investigation of it appeared to me to be called for. In the course of these remarks, I have attempted to show that the claim was neither novel nor peculiar,

and it is not wholly unsupported by reason; that our true interest calls more for a fair regulation of the practice than an abandonment of the rights; and that the conduct of the British, of late, has been such as to warrant an opinion, that an arrangement may be made, having for its object a proper regulation of the practice, leaving the rights of both nations, whatever they may be, untouched. Sir, with this view of the subject, it is not possible for me to consent to the adoption of measures, having for their object the further prosecution of the war offensively on our part; and I cannot, therefore, vote for the bill on your table. The war has not yet assumed a character. We have, indeed, added much, and are about to add more, to the public debt. Already a portion of our citizens are burdened with oppressive exactions in the form of duties, and heavy taxes are staring all in the face. But yet our homes and altars remain safe and unpolluted. Let us seize this moment to give the nation peace, and the people happiness. This is the appointed time, and if we do not improve it, I fear my country is to suffer in its prosperity and its institutions. For Heaven's sake let us pause!

Mr. MACON said after failing in his attempt to amend the bill, he had considered it of very little importance; indeed, in its present form, he was not anxious whether it passed or not; and he had intended not to have troubled the committee on the subject, but the strange course which the debate had taken had called him up almost against his own consent. He could truly say that he would not have offered a word to the committee, had not those who oppose the bill have brought into the discussion French influence, operating by a sort of magic on every act of the Executive. The conduct of the Executive had undergone the strictest scrutiny by these gentlemen, and their own arguments would, in his opinion, convince every impartial man, that it had been perfectly fair and upright to all foreign nations; the least attention to the documents, which have from time to time been published, would also convince every man of it, and satisfy all that the great object of the Government had been peace, and that peace was maintained until it could no longer be done without surrendering almost every national right worth preserving. Mr. M. said he would endeavor in his observations to follow the example which had been set the last two days: not to utter a word to wound the feelings of any one; nor would he refer to the documents, because every member possessed them, and they had been published for the information of the people; and he was sure that the committee must be tired with hearing a sentence here, and a paragraph there, read from them. The true way to understand them was to read the whole. But he had never been in the practice of making many quotations from books or documents, and he thought it unnecessary to make any now. He was clearly of opinion that the gentlemen who were opposed to the Adminis-

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tration had the right to say whatever they thought of it, and to select the subject on which they would speak; and as they had made the selection, he hoped they would have an opportunity now to deliver their sentiments. He, however, regretted that they had selected this bill; because, of all the bills which may be brought before the House the present session, not one, he thought, would require despatch more than this. The loss of a day now may be the loss of the next campaign. He had expected that this general debate, which seems to include every thing but the bill, would have been delayed until the loan should be under discussion.

The points made in the debate seem to be: impressment; the right to expatriate; the right to naturalize; and French influence; neither of which have any connection with the bill, which is to raise troops for one year. Sir, said Mr. M., I will not retort a charge of British influence, and so balance one assertion against the other, because I do not believe that there is much of either in the nation; but if I was to say there was none, I should not say what I believe. People may honestly differ in opinion as to the effect which the success of England or France over the other might have on the interests of the United States, without being under the influence of either; and this, no doubt, is the case with thousands.

I will, before I proceed further, notice some of the observations made by the gentleman from New York, (Mr. EMOTT.) If I have not understood him or any other gentleman correctly, I hope that I shall be corrected; because it is my sincere desire to state their statements fairly; and it is not always possible to take down their own words. He said, if there was any English influence, it was the influence of Locke and Sidney. As well might he have spoken of the influence of any other patriots who lived before us. Their influence will be respected wherever their works shall be read; but that sort of influence is not the influence of which we have heard so much, and which I intend hereafter to notice. He also mentioned the influence which drove the first settlers to Plymouth. Yes, sir, that influence was truly British, and that sort of influence Great Britain has been exercising ever since the first settlers, by their own industry and exertions, got into a situation to be useful to her; and that influence, or rather that persecution, compelled the first settlers of Carolina to leave the other provinces, and to settle a second time in the woods, and, as soon as they were able, to pay taxes. That same influence followed them, and made their condition much worse. It pursued the people in every part of the continent, until they declared themselves independent; and, from that day to this, she has not treated the United States as she has treated other independent nations.

Mr. Chairman, I was astonished when the gentleman told us he was not a friend to standing armies; and, almost in the same breath,

said that, at the last session, he voted for raising the twenty-five thousand men, and that he did not mean to go to war when he gave the vote. For what purpose, then, could they be wanted? Experience had already shown that the old establishment was quite sufficient in time of peace. Indeed, a very considerable part of that was raised soon after the affair of the Chesapeake, and under an expectation that war would follow, and not for a regular peace establishment.

The same gentleman told us, that impressment by the British Government was no new thing. This is certainly true as far as regards her own subjects, and from her own vessels; but the systematic impressment of foreigners from foreign ships, is a new thing; and that, too, when the men and the ships both belong to the same nation. That Government never attempted to impress Spaniards, Dutch, French, Swedes, or Danes, from vessels belonging to the same nation with the person; and it is this new doctrine, which operates solely on us, of which we complain. The question between us and England has nothing to do with the doctrine that free ships shall make free goods, or free men, if gentlemen please. And why draw that into the debate on the impressment of American citizens from American vessels? No law or precedent can be produced for this abominable and wicked practice. It was never attempted to be justified, notwithstanding impressment is no new thing with her. Every Sovereign, said the gentleman, has a right to the service of all his subjects in time of war. But this right is like some others which Sovereigns claim; it is without a remedy. Of what avail is the proclamation of the Prince Regent in this country, ordering the British subjects home? None. Many of them are still here, and, probably, will remain until the termination of the war, and the British Government will never dream of punishing one of them for disobedience. But, admit this right in Sovereigns to its fullest extent, and it does not give one Sovereign the right to impress the citizens or subjects of another; nor does it justify such an act; of course it does not touch the act of which we complain; that is, the impressing of American seamen from American vessels.

It is curious that, throughout this whole debate, there seems to have been drawn a distinction between the rights of a man who cultivates the soil, and of him who follows the sea, and that this distinction should have been drawn by those who claim to be the champions of commerce and of a navy, and who have told us that agriculture and commerce were inseparable. Ought it not, then, to follow, that the rights of those employed on land or water should also be inseparable? This strange doctrine, as was observed by the gentleman from Louisiana, (Mr. ROBERTSON,) may dust the eye, but cannot stagger the understanding of any one.

The same gentleman said, that we had taken

no measures to exclude British seamen from American vessels. For what purpose were protections given to American seamen? Surely to protect them against impressment, and to show that we had no desire to protect others; and what more ought to have been done, he did not tell us. I ask, did any nation ever do more? Besides, has not the United States, over and over again, offered to make an arrangement with England on the subject of sailors, which should be satisfactory to both, by securing to each the use of their own sailors? and has she not always refused to make any arrangement about them? And it may be fairly asked here, what measures Great Britain has taken to prevent her officers from impressing our seamen? None that I have heard of, and she is the aggressor. We have not injured her, while she has been impressing our sailors whenever she wanted and could find them. If the United States wanted sailors ever so much, they could not impress one of hers, and she knows this; and she would not suffer one of them to be impressed by any foreign power; and we must determine to defend the rights of ours, or it will be idle to talk about navigation, commerce, and a navy. Indeed, if commerce and agriculture be inseparable, you must defend the rights of the persons concerned in both, or both must be injured. There are no neutrals able to carry our products to market, and if you will not protect your seamen, they will not carry them.

It is worthy of remark, that, for twenty years past, the Government of the United States has been trying to settle the question of sailors with Great Britain, and that every attempt has failed, and that it is just now discovered that we have always begun wrong. My colleague (Mr. PEARSON) and the gentleman from Connecticut, (Mr. PITKIN,) it appears, could settle this great question without much difficulty. If they can, I wish most sincerely they would. I am, however, apprehensive that they are a little mistaken, because General Washington, when President, having Major Pinckney, now Major General Pinckney, for Minister at London, tried without effect. Mr. Adams renewed it with Mr. King for Minister; Mr. Jefferson with Colonel Monroe and Mr. Pinkney, now the Attorney General; and Mr. Madison, with the last named Pinkney. All these Presidents and Ministers, with the aid of every Cabinet, have failed. Every description of political opinion, with the greatest talents, have been employed and done nothing. At the end of twenty years we have gained nothing, and lost our labor; the question is as unsettled as ever; and we have been worsted in this way, that, while we were negotiating, they were impressing seamen.

We have been told by my colleague, that it is not the right, but the abuse of impressment of which we complain. It is true, sir, that we do not complain of Great Britain impressing her own subjects; she may do as she pleases

with them; that is no concern of ours; all we ask of her is to keep her hands off our people; and we deny her right to impress American citizens; and if the abuse be the impressing them, of that we do complain, and not without just cause, because she has impressed many of them, and compelled them to fight her battles; and I have understood, after we had declared that war existed between her and us, that she detained those she had before impressed as prisoners of war, and this may be a part of her public law. Indeed, we have heard much about universal law and public law, neither of which, from the statements made, seem to have much regard to right or justice, which ought to be the foundation of all law. One universal law seems to be, that Sovereigns can command their subjects to return home in case of war; another, that no person can expatriate himself; and Great Britain is no doubt willing to acknowledge another, by which she might impress sailors from all the world. As to the first, we need not trouble ourselves about it; and the second, the United States have not acknowledged; and we are now contending against impressment; and permit me here to observe, that the republicans have always considered the impressment of citizens a more serious injury than the spoliation of property.

I must return to Porcupine's paper,\* which, as well as I now recollect, never contained a sentence in favor of the Revolution, or much in praise of the constitution, if it was praised at all; no outrage was committed which it did not approbate; a few of the outrages of that time shall be stated: The Rogue's March was played under the window of the man who drew the Declaration of Independence. The man who first took up arms after the fall of Charleston, and whose body had been almost riddled in defence of his country, was a member of Congress, and was insulted at the circus. Another member, of no common cast of mind, was insulted at the theatre; a man who will do his duty in whatever situation he may be placed. Another, returning home with his family, was insulted and almost mobbed; he is now one of the Cabinet, mentioned by the gentleman from Massachusetts, (Mr. QUINCY.) If I was not almost exhausted I would give some of the details of these then fashionable transactions. I will only add, it was nothing in those days for a few men to whip a printer whose publications they did not like. All these outrages and violations of law, it is believed, were not only approved by the editor of the before-named paper, but other Federal papers also. This same editor claimed to have more subscribers for his paper than any other editor in the Union. And after he returned to Europe, he wrote and published about some of his former supporters. Had this have been a French editor, and acted toward the Federal party as he did toward the Republi-

\* The well-known political writer, William Cobbett, publishing a gazette under the name of Peter Porcupine.



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can, and the subscribers to his paper Republicans, could not those who look at every thing now done to find French influence, have had as good a field to hunt in as any they have yet found? At the very time these events took place, the majority talked as much about French influence as the minority now does; they had clues, tub-plots, ocean massacres, and a hundred other equally ridiculous and unfounded tales, which circulated for a day. I have mentioned these things not with an intent to wound the feelings of any man living, but with a view of trying to persuade those who talk so much about French influence, to look at both sides of the question about foreign influence; and if they will, I hope we shall never hear of it again in this House.

Mr. Genet, when he was Minister of France, began to intrigue, for which he was dismissed. Mr. Liston, when he was Minister of England, began the same work, for which he was not dismissed. If the Republicans had then been in power, and Liston a French Minister, could not a strict examination of the documents have placed it as easily as many other acts have been to French influence?

While all these things were doing, and many others quite as strange, the gentlemen call themselves the followers of General WASHINGTON. If they be truly his followers, they ought to adhere to his principles, and attend to his last advice. Every act of his went to perpetuate the Union and to attach the States to each other. I fear the sentiments contained in his farewell address to the nation are getting out of fashion with those who claim to be his exclusive followers; or why do we hear within these walls, the foundation of which he laid for union, union, union; disunion spoken of, "peaceably if we can, forcibly if we must;" and why listen to idle and unfounded tales about foreign influence, which can never injure us as long as we stick to the old maxim—united we stand, divided we fall? Straws show which way the wind blows! What has become of the newspaper called the Washington Federalist? The name was, I have understood, changed to the Independent American; out of that, I believe, was raised the Federal Republican—all good names; but why lose the name of Washington to a paper supported by his exclusive followers? And this is the first time to my recollection that they have adopted Republican in their calendar.

I have heard that Federalism is not now the same that it was when Mr. Adams was President: we shall know more about this if ever they get into power again; be this as it may, every man has a right to change his opinion; it is a right which no Government can take from him, and when convinced that he is wrong, it is his duty to change. But I had thought, when Mr. Adams was President, we were told that he followed the plan of General Washington, and that he was then a favorite with the party who elected him, but a great

change has taken place in regard to him. I always thought him an honest man, and I think so still. After Mr. Adams got out of fashion, Colonel Burr became so great a favorite with the Federal gentlemen who were then in Congress, that they voted thirty-five times for him to be President, when they must have known that not one elector who voted for him intended him for President. Afterward, Mr. Madison was a favorite; but, after the refusal of the British Government to ratify the arrangement made with Mr. Erskine, they examined the matter, and discovered he had not done right, and he got out of fashion. Then the late worthy and venerable Vice President and Colonel Monroe became favorites; Colonel Monroe got out of fashion about the time he was appointed Secretary of State; and, lastly, Mr. De Witt Clinton became a favorite. I hope he will not be injured by it, but he seems to be losing ground, as we have been told it was not his merit that induced the Federalists to support him for President, but the demerit of Mr. Madison. This does not appear to be a good reason, because they might have selected a man from their own party, who they thought had merit. But all these things may be the doings of those who, a former member of this House called ultra-Federalists; and it will be recollected that all these men became favorites, on the old doctrine of, "divide and conquer;" and it ought not to be forgotten that, when Messrs. Ellsworth and Davie returned from France, their political friends were a little shy of them; indeed, I should not be surprised if Messrs. Jay, King, Walcott, and Dexter, should not much longer be favorites. If we may judge from the public prints, Commodore Rodgers is no longer one, though he, like the others, is understood to be a Federalist; but these men will never say, "peaceably if we can, forcibly if we must." I would really thank any gentleman to tell me what is now meant by the party name, Federalist.

It is a fact on record, that General Washington did not approve of self-created societies, and I have understood that some of the people who claim to be his exclusive followers, have their self-created Washington Benevolent Societies, wherever they can establish them, and that they are political societies, and they were intended to oppose some other society; perhaps the Tammany. This could not justify the proceeding. As to myself, I do not care if there was one in every three miles square in the nation, so that I am left free not to be a member.

We naturalize, without hearing a complaint from any quarter, emigrants from Great Britain, of every trade and profession, merchants, lawyers, doctors, and even divines; to which may be added tradesmen and mechanics; they all go where they please, live among us, and take part in the politics of the day. If foreign influence could be introduced into the country by naturalizing, we should have more of British than of French; but naturalizing seems well enough for every body but a sailor, but do not permit him

to become a citizen; he will be in the way of native sailors, who want encouragement; besides, we know that Great Britain will impress him, and we know as well, when her officers want men, they care not whether they are American or English. The native American has never complained that the naturalizing of foreigners of his trade or profession, injured him; nor has a complaint been heard from a native seaman against naturalizing foreign sailors; and we have had experience enough to know that our merchants could complain, and complain almost against their own complaint. Let their property be captured, or expected to be captured, under a new order in France or England, and more complaints will be made about it, than the impressing of a dozen citizens. The situation of the merchant, when plundered, is bad enough, but his property is not taken away without a trial of some sort before a judge learned in the law, whose duty it ought to be to decide according to law; he also employs lawyers to have justice done him. Not so with the sailor; when impressed, there is no learned judge to decide his case, or lawyer to have justice done; force is law to him, and his oppressor judge; he is put on board ships, and compelled to fight battles, in which neither he nor his country have any concern: deprived of the right to complain or petition; he is poor, friendless—Great God! can it be possible, that we shall yield the point of impressment, for the sake of carrying on a little trifling trade by hook or by crook!

All agree that we ought to fight for the rights of native seamen, and all agree that some of them have been impressed; why not all, then, join, heart in hand, to maintain their rights? Is it because the British officers impress from our vessels others besides natives? This cannot lessen their just claim to the protection of their country. We have, however, been told that only ninety-three persons were impressed in one year from American vessels; if only three of them had been the sons of the gentleman (Mr. Emory) who gave the information, I ask, would he have been contented with the long investigation of documents, to ascertain if any of the diplomatic meanders turned towards French influence? No, sir, he would not; he would have demanded of the National Government to have his children restored to his arms; he could demand this in a way to be heard. Far different is the case with these unfortunate parents who have had their sons impressed; they are too poor and friendless to be heard; the rights of the nation may be abandoned by little and little, until none be left; exactly as you may take a cent at a time from one thousand dollars, until none be left. All must determine to protect American seamen on board American vessels, or not hereafter pretend to claim any jurisdiction over the vessels when they are out of the limits of the United States. If a single citizen should be impressed on American land, the whole nation would be

in a flame; the right to protection is the same, whether on American land or an American vessel.

It has been said that we do not act justly; that we encourage British seamen to run away, because we do not apprehend them and send them back, when they have run away from their vessels; they run away before our people see them, of course there is no encouragement to the running away. As to the sending them back, we are not bound to do it; and if it depended on me one should never be sent back, until the British ceased impressing and plundering our citizens, and I would agree that every man who engaged in the war on our side should have the right to be naturalized, though he fled from British naval tyranny.

It is remarkable that, while we hear not a word said to justify England for impressing and plundering the people of the United States, that so much should have been said to prove that we ought not to have gone to war with her, and that we were wrong in doing so. This is the best way that could have been devised to keep her aggressions out of view; not to say a word about them, and talk a great deal about the hardships of war, and the taxes which must be imposed to carry it on, winding up all their lamentations for the state of the country, with, if it was not for the war, a little trade could be carried on. Impressment, then, is a mere trifle, compared with this trade, and it may be that Great Britain understands it so, and is willing to gratify us with this trade for kin-sake, as long as we are contented to be impressed for kin-sake. The citizens who are impressed would tell her, if telling would release them, that nations are no kin.

This surely has been the most unfortunate Government from its establishment to the present time that ever existed; almost every thing that has been done is wrong: it was wrong to fix the seat of Government here; it was wrong to place this House and the houses for the offices so far from each other; it was wrong to give paper protections to American seamen; it was wrong to have a little mercy in the revenue laws; it was wrong to repeal the internal taxes; I believe that was called oppression—though I am no prophet, I venture to predict, that to lay them to carry the war on will be wrong also; to take Canada would be wrong;—indeed, it would be difficult to find any thing which has been done right, according to the modern Federal creed. How are we to get things right? Give up the chair you are in to one, the White House to another, and they will soon give you a sedition law which will put all right. The great discovery which these gentlemen have made, that so much has been wrong under every Administration, would surprise the people, were they not this moment astonished at the discovery of perpetual motion by Redheffer—two such great discoveries must add vastly to the character of the nation.

The attempt to take Canada is so wicked that

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some of the gentlemen are quite alarmed at it. We hear of the unoffending Canadians, but not of the unoffending sailor; at one time they are the most unoffending and loyal people in the world, at another they are French, and not fit to be united in our Government. We have heard much of the same sort formerly said about the people of Louisiana, and they have become a State, without any trouble to themselves or the Union. What has become of that high Federal spirit which disdained to buy Louisiana? where is it when Canada is mentioned? The Federalism which desired to conquer Louisiana and keep it by force of arms, is changed when Canada is the question. The outrageous conduct of Great Britain is as much worse than that of Spain, as her impressment and plundering were worse than the refusal of the right of deposit. For one, I am willing to have Canada and Florida, and have them you must before many years. The situation of Mobile is such as to compel you before very long to take possession of it. Canada and Florida would rid us of bad neighbors, and make us more happy.

The committee then rose and reported the bill.

The several amendments made in Committee of the Whole were agreed to by the House.

Mr. FROX again moved to strike out the 4th section, giving the President exclusively the appointment of all officers under the rank of field officers.

The question was decided in the negative by yeas and nays. For the motion 84, against it 74.

And the bill was then (half past six o'clock) ordered to be engrossed for a third reading, without a division.

And on motion, the House adjourned until to-morrow.

WEDNESDAY, January 18.

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The bill, in addition to the act passed at the last session "to raise an additional military force"—the object of which is to raise twenty regiments of men for one year, if deemed necessary by the President to the public service—was read a third time, and the question stated, "Shall the bill pass?"

Mr. KENT.—Mr. Speaker, it is with great reluctance I rise to trouble the House with any remarks of mine, at a time when their patience must be so completely exhausted, by the unusual length of the debate which has already taken place upon the subject before you. The bill on your table proposes to raise an additional military force of twenty thousand men, and it has been objected to on account of its expense, and the consequent danger growing out of it to the liberties of our country. We are, sir, in a state of war; and what is evidently the course which we should pursue whilst in that situation? We should advocate and support such measures as

are calculated to bring that war, justly made on our part, to a speedy, honorable, and successful conclusion. Viewing the bill on your table as a measure of that description, I shall give it my support, regardless of that additional expense which gentlemen so emphatically dwell upon. Nay, sir, it is better to expend the thirty millions of dollars (even if that sum was necessary) so repeatedly spoken of on the other side of the House as the cost of the war for two years, to accomplish our object, than to expend the same sum in five years, even if we could effect our object with equal certainty.

However commendable economy may be in every other situation in life, in war it is inadmissible; it loses its character; it becomes parsimony: you might as well attempt to unite profusion and avarice as war and economy. All that the utmost prudence can require of you when in a state of war, is to make your means ample; lay your plans well; and to the judgment and the skill in these particulars only can you look for economy or for savings; for the want of an inconsiderable supply of men or money, a campaign might prove disastrous, to recover which would require an immense sacrifice of blood and treasure.

The Army has been represented as dangerous to the liberties of the country. At one moment we are told that, when it shall be completed, it will be unequal to the conquest of a petty province adjoining us, and not exceeding in population the State of Maryland; the next moment we are told that it will endanger the liberties of seven millions of freemen. Arguments thus paradoxical need no refutation. Sir, I do not pretend to have any military experience, and I am willing to concede the point to those possessing it, that men enlisted for three or five years are preferable to those enlisted for one year as proposed by the bill; yet I feel confident that every object will be accomplished by this bill that is intended. It is not proposed to rely solely on an army of this description to carry on the war; you have nearly a sufficient military force authorized for five years, and you want the men to be raised by this bill only as auxiliaries, till the ranks of that army can be filled. With these observations on the bill before you, I shall proceed to make a few remarks upon what has fallen from gentlemen on the other side of the House; in doing which I shall endeavor to confine myself to what has not been noticed by others, or, if attended to, not sufficiently so.

If I understood an honorable gentleman from Connecticut correctly, who addressed you the other day, (Mr. PINKNEY,) he said we were contending for the employment of foreigners. We contend, sir, for nothing which, as an independent nation, we are not entitled to, and which the laws of nations do not guarantee to us. What have been the propositions heretofore made by our Government to Great Britain upon this subject? I find, by a recurrence to the correspondence of Messrs. Monroe and Pinkney

with that Government, in 1806, that we made the following propositions, the most material of which were omitted yesterday (not intentionally I hope) by the gentleman from New York, (Mr. EMOTT.) Here Mr. K. read the following proposals from the public documents of 1807 and 1808. We offered—

1. To afford no refuge or protection to British seamen.
2. To deliver them up if they took refuge among us.
3. To make laws for restoring them.
4. To aid in searching for, seizing, and restoring them.
5. To keep them in our prisons when requested.
6. To prohibit our citizens from carrying them off.
7. To prohibit their employment.
8. To make penal laws for punishing their employers.
9. To make it our duty to restore them.
10. To extend the foregoing provisions, not only to deserters, but to all seafaring people.

These propositions went completely to secure to Great Britain the services of all her seafaring subjects, except such as were naturalized under our laws, which amounted to but few, indeed; thirteen hundred British seamen only having been naturalized since the commencement of our Government, and, in all probability, an equal number of our seamen have been naturalized by Great Britain during the same period. Yet, to my astonishment, have I heard it stated, during this debate, that our Government had made no serious propositions to secure to Great Britain the services of her seamen.

But equitable as these propositions were, they were rejected. Notwithstanding, sir, our Government, anxious in their pursuit after peace, have gone still further; they have, through our late *Chargé d'Affaires* in London, (Mr. Russell,) proposed to Great Britain to exclude from our naval service, as well public as private, all her seamen, including those which may hereafter be naturalized; and notwithstanding the liberality and justice of this proposal, it, like all others, has been made without producing the desired effect. And what more, sir, could have been asked of us, required, or granted, than is contained in these offers? Nothing more, unless, indeed, they had asked for our independence, and, yielding to the requisition, we had granted it. When an American vessel is at sea, it is amenable to no laws but those of its own country and the laws of nations; and where, in either of these, will the advocates for impressment find their justification? Sir, had not the practice of impressment been treated as a casual, a trivial circumstance, during this debate, I should not have presumed to trouble the House with my desultory remarks; and my principal object in addressing the House, was to ask their attention to a document which appears to have been overlooked, and which, if necessary, will

place the abomination of that practice in colors too strong to be mistaken.

Here Mr. K. read the following extract of a letter from the Secretary of State to Mr. Monroe, dated January 4th, 1804—

“The whole number of applications made by impressed seamen to our Consul in London, between the month of June, 1797, and September, 1804, were two thousand and fifty-nine. Of this number, one hundred and two seamen only were detained as British subjects, which is less than one-twentieth of the whole number impressed. Eleven hundred and forty-two were discharged, or ordered to be so, and eight hundred and five were detained for further proof, with the strongest presumption that the greater part, if not the whole, were Americans, or other aliens, whose proof of citizenship had been lost or destroyed.”

It is, then, evident, from this document, that, for every British seamen obtained by this violent proceeding, a number of Americans, or other aliens, with whom Great Britain has no right to meddle, not less than twenty for one have been the victims to it. Sir, have we become so lost to the real independence and sovereignty of the country, that we are prepared to yield to this degrading, debasing, and humiliating badge of vassalage?

The Romans, of old, had a practice of making the governors of those countries they conquered pass annually beneath their yoke, as a mark of submission; but we, doomed to humiliation far greater, are made to pass daily, nay, hourly, beneath one much more galling. Some gentlemen object to the propositions made by Mr. Russell, and assert that he was not authorized. They should recollect that Mr. Russell's letter, containing this final offer to the British Government, was communicated to this House by the President, and, had it not met with his concurrence, it is presumable he would, in his communication, have expressed his disapprobation towards it. Nay, a similar offer has been made by the Secretary of State to Admiral Warren.

I know not whether the feelings of shame or indignation predominate in my breast, when I see gentlemen constantly laboring to place their own Government in the wrong; and, in contradiction to the official records of this House, insist that we are contending for the employment of foreigners.

The language of our Government upon that subject, is this, sir: that, if the oppressed and unfortunate inhabitants of Europe, escaping from their tyranny and panting after their long-lost liberty, seek a refuge in our happy country, upon their compliance with our naturalization laws, we are willing to extend to them those blessings we enjoy; but should they become dissatisfied with the advantages which the interior of the country affords them, and they think proper to depart from our shores, we say to them, we will not risk our peace for their protection beyond our territorial limits. So far from our contest with Great Britain being for the employment of her subjects, it is a contest for shielding a large and valuable portion of our

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fellow-citizens from British thralldom, under the lash of which they have too long labored; and who will dare discriminate in that protection which is equally due to all, that is due to the meanest individual in the community, and withhold it from a class of men who have done honor to the American character, and covered themselves with glory?

Mr. RANDOLPH rose, apparently laboring under the effects of a serious indisposition, and addressed the Chair.

I rise (said he) with a heart saddened by the disgrace of our common country, and sickened by the way in which the business of the State has been managed.

Of the temper and virulence which have manifested themselves in this debate, I shall not have any occasion to divest myself in the course of the very few remarks which I fear I shall be enabled to make, because towards them I have no purpose. Indeed, when I look around me, I am exceedingly sad; and I know not now if it will be in my power to go on.

I had intended, if time and health permitted, to address to this Assembly some few observations, confined principally to the change which has taken place in the relations of our country since the declaration of war, not only respecting that belligerent with whom we are engaged in hostilities, but her adversary also. But the course that this debate has taken imposes upon me a painful duty, which I trust God will give me strength to discharge: the duty of reviewing past transactions in the Government, which, from my heart, I would, instead of bringing them up on the present occasion, gladly discharge from my memory. But self-defence is the first law of nature. The merest reptile, the worm itself, will turn when trod upon. Nor is the force of the blow lessened by its being dealt, as in the present case, by the hand—I will not say under the garb and circumstances—of Friendship.

It was my lot, sir, and I may assuredly say my misfortune, to take some little share in those transactions which brought about a civil revolution in the Government of this country. I hope that I am understood. I feel I shall be understood, when I speak of this, by all wise and good men; and it is with them only that I wish to hold intercourse—to commune. It is of their good opinion alone that I am ambitious, if indeed ambition dwell any where in my heart.

Let me endeavor to recall to recollection the state of things about the period when I had the unhappiness to dedicate myself to political life.

Through the opposition, bold but just, which was made by myself, and those associated with me, to the measures of that Administration, an entire change was effected in the control of the Government. One Administration was ejected from power, and another took its place. Is it necessary for me to descant upon the topics of difference which then separated the two great parties in the Government? Is it necessary for

me at this time of day to make a declaration of the principles of the Republican party? Is it possible that such a declaration could be deemed orthodox when proceeding from lips so unholy as those of an excommunicant from that church? It is not necessary. Those principles are on record; they are engraved upon it indelibly by the press, and will live as long as the art of printing is suffered to exist. It is not for any man at this day to undertake to change them. It is not for any man who then professed them, by any guise or circumlocution, to conceal apostasy from them, for they are there—there in the book. What are they? They have been delivered to you by my honorable colleague—what are they? Love of peace, hatred of offensive war; jealousy of the State Governments towards the General Government, and of the influence of the Executive Government over the co-ordinate branches of that Government; a dread of standing armies; a loathing of public debt, taxes, and excises; tenderness for the liberty of the citizen; jealousy, Argus-eyed jealousy, of the patronage of the President. From these principles what desertions have we not witnessed? Will you have a list of them? I shall not undertake it.

Principle does not consist in names. Federalism is a real thing—not a spectre, a shadow, a phantom. It is a living addition to the power of the General Government, in preference to the power of the States; partiality for the Executive power, in distinction to that of the co-ordinate Departments of the Government; the support of great military and naval force, and of an “energetic” administration of the Government. That is what is called Federalism. Yes, an energetic Administration, not in its real, but technical sense; for it has a sense as technical as any in our laws. That is Federalism. And, when I am opposing the course which looks toward the rearing up of great Military and Naval Establishments, of an extent not only incommensurate with the necessity but the ability of my country, I care not with whom I vote; I will be true to my principles. Let any man lay his finger upon a vote in which, since I have had the honor (if, indeed, it be an honor) of a seat in this House, I have departed from those principles, and I will consent that, *quoad hoc*, I am a Federalist. But it will be in vain to search for such a vote.

So strenuous, sir, had been the contest—so hot the spirit of rivalry between the two contending parties—that, after the Revolution of 1801, a curious spectacle was presented to this nation and to the world—a spectacle which, I am bold to say, never did before make its appearance in any Government, and never will appear again. It was this: that, as if the character that each party had borne when in collision with one another was indelible, the two parties, after power was transferred from one to the other, did actually maintain the same character which they had derived from impressions received during their late conflict: and the ad-

miring world saw with astonishment the case of an opposition minority attempting to force upon a reluctant Administration patronage and power, which that Administration put by, and sternly refused to accept. Yes, sir; for a time so completely had the Republicans been imbued with the principles which they professed whilst in a minority, that, after becoming the majority, the Federalists pressed on their old adversaries power and patronage, to which they absolutely opposed themselves, repelling, for a season, every project of the kind. Is it necessary for me to allude to the reduction of the Army—to say by whom it was made? Sir, the proposition for it was originally made by the personage now addressing you; it came from what was then considered the Governmental side of the House. And by whom was it opposed? By gentlemen who had so long fought under the banners of a Government of “energy,” that they were not content to submit to the diminution of its patronage or its power, even in the hands of their political opponents. I speak of facts. Such a case will never occur again. Nay, indeed, in a little time, the sweets of power had their effect on one side of the House, as the frowns of adversity had upon the other; and after awhile, the court and country parties as easily changed sides as right and left do when a man turns upon his heel.

Yes, sir, the tone of this House was soon changed. We succeeded, however, in the reduction of the Army; but I will trust to the recollection of gentlemen, upon all sides of the House, by what instrumentality this change was effected. The Commander of that Army was retained in his position. I have not leisure, health, or strength, to go into the details; gentlemen will remember them. Meanwhile, peace with this country was negotiated in France by the commissioners sent by Mr. Adams, and was followed up very soon afterwards by the short respite that the truce of Amiens gave to European combatants, wearied rather than satiated with slaughter. These events placed this country in the happiest condition. Of the proceeds of the direct and internal taxes voted by the predecessors of the administration of Mr. Jefferson, one moiety at least came into the Treasury after their dismissal from office. But these proceeds were not necessary to give an overflow of money into the Treasury, which we never ceased to have until we departed from those principles of government and that policy which brought us into power. We sailed on for some time in the full tide of successful experiment, unobstructed by squalls or adverse gales, if we except only the Yazoo breeze. That question was, if I forget not, the first cause of a breach between those persons who had a direct lead in the Government of the country. There were men who did not hesitate, in opposition to all the heads of your Departments, to throw themselves into the breach at that time attempted in the constitution of the country, to defend it, and to defend it with success. It appears, from

some documents that have lately been laid upon our table, that errors of that day have been perceived, and that tender consciences which at that time revolted, are now entirely reconciled to the compromise which was then stamped with the reprobation of almost every honest man from Georgia to Virginia. There were considerations of personal feeling which gave to other parts of the Union, and to certain individuals therein, a bias on that subject; and I should be extremely sorry to be considered as passing any thing like general censure upon the advocates of that measure in or out of this House. I refer only, of course, to those who were not parties concerned in the fraud.

At that time, sir, all was prosperity and joy. At that time were accumulated in the Treasury those surpluses which, in one year, nearly equalled the sum for which, in the present year, the revenue is deficient, notwithstanding the loan of last year, and to make up which deficiency the head of the Treasury has been able to devise no other means than a resort to new loans. Yes, sir, there were then those surpluses in the Treasury, the ghosts of which lingered along its vaults for a time after their corporeal bodies departed, and were then heard of no more.

But to proceed. The expenditures of the Government, during the first four years of the Jefferson Administration, exclusive of payments on account of the public debt, averaged only eight millions of dollars a year. In the four last years of the Jefferson Administration, those expenditures were very greatly increased, amounting in the year 1808, (the last of the four,) without any increase of Army and Navy expenditures, to upwards of sixteen millions of dollars—rivalling the expenditures of any one year of Mr. Adams's war, and amounting to one-half as much as was expended by the Father of his Country in his eight years of the Presidency, during which he was called upon to establish public credit, to maintain a bloody Indian war, and to lay the foundation of that character of integrity which the Government has so long sustained abroad, notwithstanding the misconduct of its rulers. Yes, sir, it is a curious but notorious fact, that in 1808 and 1809—and I speak of 1809, for, although the present incumbent came into office on the 8d of March of that year, expenses were incurred and voted in his predecessor's time—the expenditures of the Government outraged all belief when compared with the objects on which they were lavished. And here, Mr. Chairman, let me put to you, and to the gentleman on my right, if it be within the compass of any man's powers to detract more from the merit of an administration of the Government of the United States in managing at least one branch of the revenue than has been done by that honorable gentleman? What has he said? I will not repeat his words; to do so would be odious, invidious; but I well know if what he did say had come from the other side of the House, it would have been set down to the rancor of party spirit; to personal

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spleen; or to want of respect for the White house, or the Red house, or some other house. What has become of that vast amount of money? No man knows; and to the best of my knowledge and belief, so help me God, no man will ever know.

I find, as I anticipated, a difficulty in dragging along my miserable body, and my feeble mind, in this discussion; a difficulty not less, perhaps, than that of dragging along with me the attention of members of this House. I ask its patience, its pardon, and its pity.

But to continue. In this prosperous state of our country, the war in Europe was renewed, or about to be renewed. The Government of the United States would naturally, from the situation of affairs in that quarter of the world, experience a temporary diminution in its revenue, which it need not feel or regard, because it had been enabled to make that noble provision for a sinking fund, for lessening the national debt, for paying off the mortgages on the estate of every man in the country and of those who are unborn. It had made that noble provision, which was attempted to be diverted to the necessities created by the policy of the last four years of Jefferson's Administration, and the actual diversion of which, I believe, was the first act of this Administration. It had made that appropriation of eight millions of dollars for a sinking fund, not to be touched for any other purpose, and which, at the time of the appropriation, no man dared to believe would be gambled away.

The war in Europe brought to this country, among other birds of passage, a ravenous flock of neutralized carriers, which interposed the flag of neutrality, not only between the property, but even between the persons of the two belligerent powers; and it was their clamor principally, aided by the representations of those of our merchants who saw and wished to participate in the gains of such a commerce, that the first step was taken in that policy of restriction, which it was then foreseen would lead to the disastrous condition in which we now find ourselves. Yes, it was then foreseen and foretold. What was then prophesied is now history. It is so. "You," said the prophet, "are prospering beyond all human example. You, favorites of Almighty God, while all the rest of the world are scourged, and ravaged, and desolated by war, are about to enter into a policy called *preventive* of war; a policy which comes into this House in the garb of peace, but which must end in war." And in war it has ended. Yes, sir, we have been tortured, fretted, goaded, until at last, like some poor man driven from his family by discord at home, who says to himself, "any thing, even exile, is better than this," we have said that we will take war; we will take *any thing* for a change. And when war came, what said the people? *They* said, "any thing for a change!"

At that time circumstances occurred, and I hope the House will pardon me for alluding to

them. It is absolutely necessary that I should do so. They have been spoken of by others before me; they were at the time, and have been since, detailed in the most solemn manner on the floor of this body. A denial of them has been challenged and never received. At that time, I repeat, circumstances occurred which made it my duty to oppose the projects of the Executive Government of this country in its relations with foreign powers.

At that time nothing that the *Spanish* Government could do, not even the invasion of our own territory, not even the capture and carrying off, not from our decks, but our soil, a portion of our citizens, could rouse this House to a spirit which would, in my judgment, have comported not only with its honor, but was absolutely indispensable to its dignity. We were wanting in the assertion of the rights of our own country over its soil and jurisdiction, by which assertion, then, we might have averted the calamities which have since befallen us; but a project for that purpose, recommended by the committee to whom that subject was referred, did not meet the approbation of the House. And from that day and date, the black cloud has thickened over us; has become more and more dense. From that day and date, have we departed from those counsels—in my humble judgment, at least—from those principles, adherence to which had induced the people of the United States to clothe us with their power and confidence.

What have we done since? From that day, with a short interruption, the policy of this Government has actually subserved, as far as it could, the purposes of *France*. I speak of facts; of facts susceptible of proof, which may be felt, seen, touched, heard, and understood by all except those too indolent to examine them, or too ignorant for the light of truth to have any effect upon their understandings. I say, sir, that the policy of this Government has, from that time, subserved the purposes of *France*. And how do I prove it? Why, sir, by way of meeting the French decrees, which prohibit to us all intercourse with Great Britain, we cut off the intercourse between us and the whole world. We virtually held out to our great commercial cities—to Boston, New York, Philadelphia, Baltimore, and Charleston—the same language as Bonaparte had held to his own cities: "I know that you are suffering, and unhappy; that the grass is growing in your streets; that the ships at your wharves are rotting, until they are fit only for fuel; that your trade is dwindling only to nothing; but what is all that to my continental system? What are a few seaport towns—enterprising, wealthy, and prosperous, as indeed they are—what are they, compared to my continental system?" And, sir, what was our "restrictive" system? Similar in point of effect—certainly cotemporaneous in point of time—to Bonaparte's "continental system." Sir, it is a matter susceptible of demonstration, if I possessed the physical

power to go through with it, that the system recommended by the then President of the United States, of laying an embargo on all ships and vessels in our ports, for the purpose of "keeping in safety these essential resources," took place in consequence of a communication from our Minister in Paris to this Government, transmitting certain correspondence of his with the French Government. And although in the message to both Houses of Congress, recommending the measure, the President does use the term "belligerent powers," I do attest the fact, and I call upon other gentlemen, who know it, to attest it also, that, while the message purposely referred to both "belligerents," not one scrip of manuscript relating to the other "belligerent" accompanied that message; nor was there any thing contained in that message relating to that "belligerent," but a scrap from an English paper, about the size of a square of its columns, containing some speculations of a London editor; and I say that there did not exist in this House, nor in this nation—if there did, let the evidence be produced—any knowledge of the existence of the orders in council, which have been put forward as justifying the embargo. If their existence had been known at the time, would the President in his message recommending an embargo have failed to notice the fact? Would he not have used it as one of the strongest inducements to the adoption of this system? Would those "orders" not have been published in the National Intelligencer, which is considered—and certainly not without cause, in view of certain things which we have lately seen in it—to be the Court paper? Produce the National Intelligencer of that date; there is not one syllable to be found in it concerning the Orders in Council. No, sir, in his message on the occasion referred to, the President did not produce any *acts* of the "belligerents" referred to, but only the correspondence between General Armstrong, our Minister at Paris, and that Government, on the subject of the construction of one of its first decrees. It was in consequence of the more recent decrees of France, and not of the British Orders in Council, that the embargo was recommended and laid. And yet, in the discussion which came off on that measure, it was represented as a weapon against England, which would be more efficient than any war, and must bring her to our feet: it would give effect to the object which Bonaparte had in view, of destroying her by consumption, by cutting her off from the commerce of the world. Although I state these facts, I know that it may be proven—and I am sorry that it can—by reference to the journals of this House, and by a report, too, of an honorable and respectable committee of this House, that the embargo was designed to obviate the effects of the Orders in Council.

But, sir, it is indisputably true, that there was no mention in the embargo message of those Orders in Council—no allusion to them in de-

bate upon it—no knowledge of them at the time that the embargo law was passed, that can be proven by any document whatsoever entitled to the least respect; and I will even go so far as to allow as evidence the authority of any newspaper. The members of that committee had heard so much of the Orders in Council, and the effect that it was pretended that the embargo would have upon them, that in their report, speaking of them, they absolutely transposed cause and effect. It is unfortunate that it should be so; but it is nevertheless true. Events subsequent to the period to which I have now brought myself have been detailed in this debate in a manner so clear, so lucid, so convincing, by two honorable gentlemen from New York, that there is no need of my repeating the narrative: but I must be permitted to say that the statement made yesterday by a gentleman from New York, (Mr. EMOTT,) will be refuted when Euclid shall come to be considered a shallow sophist, and not before. My honorable friend from the same State, who spoke a few days ago, called upon gentlemen to handle that part of the subject—the revocation of the Berlin and Milan decrees, and the inveiglement thereby of this country into a war with England—in a manner more able than, he was pleased to say, he himself had done it. The attempt to do this would, indeed, be to gild refined gold, to paint the lily, to add to the perfume of the violet—in all cases a most ridiculous and wasteful excess. And yet, sir, the situation in which I unhappily stand, and in which it was my lot to stand at the conclusion of the last session of Congress, compels me to say a word on this subject. You will remember, sir, that it was my misfortune, during the first session of this Congress, to oppose the attempt to impress upon this House and the nation certain most preposterous, absurd, and false propositions; for the temerity of which effort I came under the censure—implied, at least, if not to say direct—of this honorable body. The contrary propositions, which I undertook to maintain, were, first, that the Berlin and Milan decrees were not repealed on the first of November, 1810, and that the only evidence of any such repeal, up to that date, was *the President's Proclamation* of the second of that month; and secondly, that the British Orders in Council did, in point of fact, establish no serious insurmountable obstacle to negotiation between that Government and the United States. Why, sir, I shall not here go into any argument on this point; if I had the ability, I have not the will; and, if I had the will, I have not the ability. Nor can it be necessary, when the Emperor of France himself comes into court, and cannot reject his own authority, as borne in his own laws. Yes, sir, he did come forth, and, in his antedated decree of the 28th of April, 1811—though it unquestionably ought to bear date full twelve months later—does, in the most offensive of all possible ways, establish the fact, not only that the Berlin and Milan



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decrees were not repealed (as all the world knew except the President of the United States) on the first of November, 1810, but that they were in his mind when he issued his decree, dated 28th April, 1811. They were repealed, finally, in consequence—of what? Of your doing that which for years he had been attempting, by menace and blandishment, to induce you to do—that is to say, embark in war with England, taking sides with France, “causing,” as the phrase was, “our flag to be respected.” And this, too, after your having posted up in the ledger of this House that war with one of the “belligerents” was equivalent to submission to the other!

My other proposition was, that the Orders in Council constituted no insurmountable obstacle to negotiation between this country and Great Britain. And what was the fact in regard to them? Why, that almost at the time that this position was taken on this floor—a few weeks only thereafter—the Orders in Council were repealed.

I put it to you, sir, and to the great mass of the people of this country—to the honest, laborious, unsuspecting, kind-hearted, confiding, generous, and just people—had the fact been known that the French decrees were *not* repealed, and that the Orders in Council *were* repealed, whether any man, in any station, would have had the confidence to propose a declaration of war against England, taking part against her, and siding with France in the conflict in which those nations are engaged?

And, whilst I am upon this subject, permit me to say, suppose the proposition which was repeatedly made—in more than one instance by the person who is now addressing you, and supported with the greatest ability by gentlemen on the other side of the House—to postpone our declaration of war against Great Britain until the autumn, when we might be in some state of preparation and readiness for it—had succeeded, what would have been the consequence? At this time we should have been at peace; we should have been lying secure in that snug safe haven of neutrality, in which the good sense of the greatest and best men of this country have always attempted to moor the public ship. *Now*, where are we? And shall this war be called a popular war; a war of the people; a war called for by the public voice, into which this country has been plunged, not more by the agency of the friends of Government than of its enemies, in the hope of the latter that this Administration would sink and founder in it, and they rise to power thereupon? Is it possible that that can be deemed a war of the people, a popular war, which has enabled a gentleman known to be of the most respectable connections, and possessed, I believe, of considerable talent—but who, put in competition with the veteran politician now at the helm of Government, is but a boy in politics—a person whose pretensions are so extremely inferior, to rival the present

Chief Magistrate in the confidence of the people, and for a time, as you know, make him tremble for his re-election? It is, however, some consolation to reflect that, in all free Governments, the public voice will sooner or later be heard upon all their measures, and in condemnation of those which the opinion of that public detests and execrates. This is a great law of politics; it is to the political what gravitation is to the physical world; it cannot be counteracted. Statesmen know it, feel it; they do not reason to it, but from it; they never lose sight of it, but are guided by it in all their measures. And those of us who live to see the next Congress, will live to see the effects of that law in this House.

Sir, we have passed so many laws, we have had so many objects for enticing the belligerents on the one hand and coercing them on the other, and enticing and coercing them together, that I feel some little difficulty, in the present state of my brain, in referring to them by title or date; but it is the law passed on this subject, in consequence of which the celebrated letter of the 1st of August of the Duc de Cadore was written, to which I desire most particularly to refer. If, after the proclamation of the President of the United States of the 1st of November thereafter, issued in consequence of that letter, revoking so much of our non-intercourse law as related to France, an unbroken warfare being kept up by France on our commerce—a fact as notorious as the existence of any fact in nature—was it not good cause for reinstating the law in relation to France, and putting her on her ancient ground? Then I would be glad to know, for one, whether our continuing at war with England was any better cause for keeping up the interdiction in relation to her, after she had revoked her Orders in Council? In other words, it being admitted by gentlemen on one side, as it has been contended by gentlemen on the other, that the revocation of the Orders in Council by Great Britain was such a one as did satisfy the terms of the non-intercourse act, what was the reason that the proclamation required by our law in such case did not issue? Why, sir, the state of war between the United States and Great Britain being offensive on our part—being of our own making—was held to be a cause why we cannot execute our law as relates to her. Now, whilst the continued war upon us by France, by seizures of our merchant vessels and their cargoes, is not considered an obstacle to its execution in regard to her, is it not as clear as the noon-day sun, that if the making of war by France on the United States did not constitute any good cause for withholding the revocation as to her, when she professed to have repealed her Berlin and Milan decrees, there was no reason why it should not have been extended to Great Britain also, when she actually repealed her Orders in Council?

I am extremely at a loss to say whether my judgment, my memory, my imagination, or my

command of words, fit me for the expression of the few scattered ideas I have on this subject; I fear that they may fail me. But I believe it will be conceded, on all hands, that if, after the revocation of the British Orders in Council, the President of the United States had, as he honorably might have done, made that repeal the basis of negotiation with Great Britain, there is not a man in this country—certainly there is none among his admirers and adherents—who would not have hailed him as the restorer of the peace and prosperity of the country, which had been so idly (I had almost said so wickedly) disturbed. But, regardless of every consequence, we went into war with England as an inconsiderate couple go into matrimony, without considering whether they have the means of sustaining their own existence, much less that of any unfortunate progeny that should happen to be born of them. The sacrifice was made. The blood of Christians enjoying the privileges of jury trial, of the writ of *habeas corpus*, of the freedom of conscience, of the blessings of civil liberty, citizens of the last Republic that ambition has left upon the face of a desolate earth—the blood of such a people was poured out as an atonement to the Moloch of France. The Jugernaut of India is said to smile when it sees the blood flow from the human sacrifice which its worship exacts; the Emperor of France might now smile upon us. But no, sir, our miserable offering is spurned. The French monarch turns his nose and his eyes another way. He snuffs on the plains of Moscow a thousand hecatombs, waiting to be sacrificed on the shrine of his ambition; and the city of the Czars, the largest in the world, is to be at once the altar and the fire of sacrifice to his miserable ambition. And what injury has the Emperor of Russia done to him? For what was he contending? For national existence; for a bare existence; for himself and the people who are subject to his sway. And what, sir, are you doing? Virtually fighting the battles of his foes; surrendering yourself to the views of his adversary, without a plea—without any thing to justify your becoming the victims of his blasting ambition.

Yes, sir, after having for years attempted to drive us by menace into war with England, when he has seen us fairly embarked in it, and the champions of human rights bleeding in his cause, the Ruler of France has turned with contempt from your reclamations; he has left your Minister, who was charged with those reclamations, to follow him in his Russian campaign, to whip up his jaded Pegasus, and, travelling at his heels, to overtake him if he can.\*

For these injuries and insults what atonement has been made? What satisfaction has been received for your plundered property? And what is the relation in which you stand to

France? At this moment, when it is well known that it would not require one additional man in the army or navy to make good, in the eye of nations, your character as an independent and high-spirited people, you are prostrate at the feet of your's and the world's undoer. Is there any thing yet wanting to fill up the full measure of injustice you have sustained? Gentlemen on all sides are obliged to admit that the provocation which we have received from France is ample; that the cup of it is overflowing. And yet, what is our situation in relation to that destroyer of mankind—him who, devising death to all that live, sits like a cormorant on the tree of life; who cannot be glutted, nor tired, with human carnage; the impersonation of death; himself an incarnate death!

All this, I say, does prove—and if it does not I call on gentlemen to disprove the fact—that there is a difference in the standard by which we measure French aggressions and the aggressions of any other people under the sun. When Spain was the ally of France she was—what? She was secure from our indignation. There was not a murderer, a barbarian, in all our Western wilderness that was not safe under the Spanish cloak. For why? Because the King of Spain, such as he was—for he wore only the semblance of a crown—was in alliance with France; and he must not be touched.

But what has *Revolutionary* Spain done? What offence has she committed against France? That she is not only helpless, destitute of resources, unable to return a blow, but, above all, is coveted by France, are considerations which cannot justify, on the part of France, conduct towards her more infamous than that of the English at Copenhagen—conduct cowardly as it is unprincipled. But, sir, I forewarn gentlemen of the Southern country—I do beseech them, with a sincerity which no man can have a right to question—to beware how they transfer the theatre of war from the rocks and snows of Canada to the sand-hills, the rice-fields, the tobacco plantations of the Southern States. For them to think of voluntarily consenting to make that region the theatre of the war, would compel me to believe that they are on the verge of that madness which precedes the destruction of all doomed by Heaven to perish.

Sir, I have just touched, with trembling and faltering hand, some of the preliminary observations which I had intended, at some time or other, to make, into which I have now been prematurely forced to enter, not more unexpectedly than unavoidably, by the strange turn which this debate has taken.

There are two other points—for, in respect to the Orders of Council, I shall not say a word about them—upon which I am very anxious to offer myself to your attention: the one the celebrated point of impressment, which, though it has been very ably handled, is not yet exhausted; the other the Indian war on our Western border. And I also wish to say something on the subject of negotiation. In the midst of

\* Mr. Barlow's journey to Wilna, where he only arrived to die.

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a war with one of the greatest powers of Europe, why should the gleam of the tomahawk and the scalping-knife, the cries of massacred women and children reaching our ears—why should these fright us from our propriety? Why, we are told the Indians of the West have been stirred up to war with us by British agents. But what is the fact? That we have no Indian war, but a war of our own seeking, as I have already, in the course of this session, read to you certain proofs; and I will now give you another. It is this: It is agreed on all hands—no man has attempted to dispute it—that, in the affair of the battle of Tippecanoe, the commander and the officers distinguished themselves by the greatest gallantry. How has it happened, then, that while we have been freely voting medals to those gallant officers of our navy who have distinguished themselves on the ocean—and I hope we shall vote them something more substantial—not a whisper has been heard in relation to those who have been engaged in this expedition against the Indians? The subject has not been even inquired into.

Do we know, at this moment, as a Legislature, the causes of that disastrous business—I call it so from its consequences—or by whose authority this war was made? Or, is it come to this: that Governors of our Territories are to consider themselves as so many Hastings and Wellesleys of our country, and that, while they do not involve us in war with Christians like themselves, they may go to any extent in exterminating the Red Barbarians here as in the East Indies Governors and Proconsuls of the British Government do there in regard to uncivilized powers of that quarter of the globe? Is it discovered that our Territorial Governors may at pleasure invade the territory of other nations—for, inconsiderable and contemptible though they be, the Indian tribes *are* nations—in like manner that the British authorities make war upon those nations of the East? Yes, sir, not only is this a war of our own seeking—not only we had it in our power to keep the peace—but in the country which was the scene of the battle, and in the adjacent country, it was the most popular war ever waged. The frontier people of this country have been in the habit of driving the heathen before them; and to them the chase of the deer, the elk, and the antelope, is not so grateful as that of the red men they hunt. I believe that it is the cause of serious regret to many of the people of the West that there is now no longer any motive to drive them from their lands. As to the Red Men, the Big-Knives have, without any foreign prompting or instigation, driven them off from a country more extensive than that over which the Emperor of France wields his sceptre. So I put aside this item of Indian war altogether as a matter of account in the list of our grievances against the British Government. There is not a shadow of foundation for believing that these Indians were or could have been instigated to take up the hatchet against us until hos-

tile arms had been taken up against them. When driven to the wall they must fight or die—the last alternative left to them—for which nobody can blame them.

It was, sir, a saying of one of the best men who ever wrote, in correspondence with a friend, that he had no time to write a shorter letter; and I can truly say that I have not *time* to deliver a shorter speech. I know that this question will be taken to-day, for I have been so admonished; and my own very severe and sudden indisposition, which I am almost ashamed to name, will compel me to detain your attention much longer than under other circumstances would have been the case.

A word, now, on the subject of impressment. Our foreign trade had grown beyond the capacity of either our tonnage or seamen to manage. Our mercantile marine was an infant Hercules; but it was overloaded beyond its strength: the crop was too abundant to be gathered by our hands alone. The consequence was, and a natural one too, that not only the capitalists flocked into our country from abroad to share in our growing commerce, but the policy also of our Government was adapted to it, and a law was passed to enable us to avail ourselves of the services of British seamen and seamen of other countries. And, in doing this, we availed ourselves of the pretext—which, as long as the countries to which they belonged winked at it, was fair for us to use—of taking these British seamen for Americans. It was in 1796 that commenced the act, to which reference has been made, and that system of “protections,” as they were called, the very mention of which, at this day, causes a burst of honest indignation in the breast of citizens whose situation enables them to ascertain their true character. If these “protections,” so termed, have not been forged all over Europe, it is only for the reason that the notes of a certain bank of which I have heard have not been forged, viz: that, the bank being broke, its notes were so worthless that people would not even steal them. The “protections” are attainable by everybody; by men of all ages, countries, and descriptions. They are a mere farce. The issuing of them has gone far to disgrace the character of the country, and has brought into question and jeopardy the rights of real American citizens. This question of impressment, delicate as it has been said to be—difficult as in one view it certainly is—is, of all others, in my judgment, the most compact. With the gentleman from New York, I will say that the tide of emigration has brought to the shores of our country many most valuable characters; some of them persons with whom I have the honor of being in habits, not only of intimacy, but friendship. I believe there does not exist one man of this description, who comes *bona fide* to this country to settle himself and children here, that would require you to go to war on his account. And, sir, I believe that the belligerent position itself in which you now find

yourself will relieve you in a great degree of this evil, for many seamen who have so long, by virtue of these "protections," passed themselves off for American, will find it to be very convenient to be Portuguese or Swedish seamen, or seamen of some other State than the United States—some State that is not at war with England. Sir, there is a wide difference between the character of American seamen and seamen of every other country on earth. The American seaman has a home on the land, a domicile, a wife and children, to whom he is attached, to whom he is in the habit of returning after his voyages; with whom he spends, sometimes, a long vacation from the toils of maritime life. It is not so with the seamen of other countries. For the protection of men of the first description, I am disposed, if necessary, to use the force of the country, but for no other. I know, indeed, that some gentlemen who have spoken much on the subject of the principle of impressment, will tell you that the right to take from a neutral vessel one seaman, if carried to its extent, involves a right to take any, or all seamen. Why, sir, in like manner, it might be argued that the taking illegally of one vessel at sea involves the right to take every vessel. And yet, sir, who ever heard of two nations *going to war* about a single case of capture, though admitted not to be justified by the laws? Such a case never did and never will occur.

Of one thing we are certain: it rests upon no doubtful ground: that Great Britain, rather than surrender the right of impressing her own seamen, will nail her colors to the mast, and go down with them. And she is right, because, when she does surrender it, she is Samson shorn of his strength: the sinews of her power are cut. I say this openly in the House of Representatives; and I am not communicating to the enemy a secret of any value, because she has herself told us that she can never surrender it. She has told us so, not when she stood in the relation of an enemy toward us, but in the friendly intercourse of the British Ministry with our late Commissioners at London. Turn to the book: I wish the honorable gentleman, if he has it, would for a moment let me have the use of it. You are told in that book that every effort was made by the American Commissioners to effect a relaxation of this right; that the British Ministry evinced the sincerest desire to give satisfaction to them on this point: *but* what? The Admiralty was consulted; they waked up out of their slumbers the Civilians at Doctors' Commons to deliberate upon it; and they came to the conclusion that the Government of Great Britain could not give up that right. Messrs. Monroe and Pinkney, the Commissioners of the United States to negotiate a treaty with the Government of Great Britain, in their correspondence with their own Government, give this fact to excuse themselves for failing to accomplish their object, and to prove that every thing had been done that could be on their part, and every thing conceded on the oth-

er side that the most friendly disposition could warrant—and here I do not speak of masked friendship, but of real friendship. Although every thing possible had been done, this right of impressment of her own seamen was a *sine qua non* on the part of Great Britain—one which would not, could not, must not, be surrendered. And, sir, if this question of the right of impressment was one on which we were to go to war with Great Britain, we ought to have gone to war *then*; because we were then told by the highest authority in that Government that this was a point which never would be given up.

I find, sir, that I cannot trust my broken voice to read the book, now that it is in my hand, but must rely upon my recollection for facts.

Now, this question lies as I have said, in a very small compass. The right of Great Britain to take her own seamen from your merchant vessels, (if it be a right,) is one which she has exercised ever since you were a People, wherever occasions for its exercise have occurred. Will you not only go to war, but wage a *bellum ad internecinum* for it? Will you wage an endless war of extermination for this right, which, you have known for two and twenty years of your national existence, she will not relinquish? A gentleman from Tennessee, of whose capacity few men have more respectful opinion than myself, has quoted the diplomatic correspondence as far back as 1792, to show what General WASHINGTON's opinions were on this question of impressment, and this opinion of the Father of his Country is now held up to the people of the United States for the purpose of enlisting their prejudices in the conviction that, by involving the country in warfare, we are at this moment treading in the footsteps of that great man, and acting upon his principles. Nothing can be more untrue. To say that the Treaty of Louisiana was negotiated two years after the letter of instruction quoted from the WASHINGTON Administration, and that that treaty contained no provisions on this point, is a reply in full on this course of argument. But what does the correspondence referred to prove? What every treaty, what every negotiation, has proven: that England would not give up this point, although she made offers for guarding against abuse—offers more favorable to us than ours to her. And yet the Administration of this Government have had the hardihood or the folly to plunge the nation into a war for it—for a point on which General Washington, Mr. Adams, and Mr. Jefferson, men differing from each other as may be in every aspect, had been content to negotiate, rather than go to war for its assertion.

What was the offer made to our Government by the British Ministry? If I do not forget, their offer was that they would not impress American seamen. Their offer to us was not accepted, but it was beyond question, in my opinion, more beneficial than the proposition which we on that occasion made to them.

But it may be said that the right of search cannot be endured; that the protection of our

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flag must be held inviolate; that if a search of our ships be permitted for British seamen, they may actually take American seamen. Sir, there is no doubt of the fact that by mistake, sometimes perhaps by wilful misconduct, on the part of officers engaged in the search, such a thing may happen. But, should we not think it exceedingly strange that the misconduct of an officer of the American Government, in one case in twenty if you will, should be a cause of war for any nation against us? It is one of those cases which does occur, and will forever occur, to a neutral power, whenever a general war is lighted up. It is one of the prices which this country has to pay for its rapid accession of wealth, such as is unheard of in the annals of any other nation but our own. And this, sir, is the state of things in which we have undertaken, in children's language, to quarrel with our bread and butter; and to identify ourselves with one of the belligerents in a war in which we have no proper concern. I will not touch at all the abstract question of the right of impressment: it has been so much more ably handled by others that I shall not say a word about it. I address myself to the common sense of the planter, the farmer, the agriculturist of our country—are you willing upon such grounds as these to continue this war? I have no doubt what will be their answer.

On these subjects I have delivered my sentiments more than once before in this House. I think of them with horror as the accursed cause of this war. Not that the men who are in power are worse men than other people, but that they have brought upon this land of peace and freedom issues the end of which it would be impossible for any human being to divine.

One thing is certain, that the right of search does practically exist, and has been acknowledged by all nations. The President of the United States and his Secretary of State, as great masters of the Law of Nations, will be among the first to acknowledge it; they *have* acknowledged it, and by our treaties with foreign powers, this country has heretofore acknowledged it, so far as concerns the right to search for contraband goods and enemy's property. Suppose that there are notorious abuses under this right: should we be justified in declaring that no search whatever of our merchant vessels shall be allowed? There is no doubt that, under the color of the right of search—for I am advocating its lawful purposes only—abuses have been committed on neutrals; and as long as men exist it will be so. The liability to abuse of this right is the price which neutrals pay for the advantages which they derive from their neutrality; and I should like to know whether it would be for me to join in the contest in which these belligerents are engaged for the recovery of my *neutral* rights. Where are those rights when great maritime powers become belligerent? There are neutral rights undoubtedly, but there are also neutral duties. And shall a neutral nation, a nation which has in that character pro-

pered and flourished more than any people on the face of the globe, sacrifice those rights and those advantages, and resort to war against one of those belligerents—and for what? For a point of honor! Yet, whilst in this Quixotic spirit we have gone to war with England; although we have been robbed, reviled, contemned throughout by the Emperor of France, we can see no cause of war with him!

What shall we say of the *French* doctrine in relation to this subject of impressment? If that has been dwelt upon in this debate by any honorable gentleman of this House it has escaped my notice. What is the French doctrine on this subject—established at the time when the United States stood in relations of peace and amity to that power, when every heart beat high with sympathy for the success of French freedom; when some of those who have since transferred their admiration, I will not say their love, to the present head of the French Government, to the enemy of French freedom, and all freedom, to all commerce, and right, and religion—at the time when some of those who have since so lamentably changed on this subject felt an interest for freedom and France scarcely inferior to that which they felt for freedom and America? What were then the doctrines of the French Government? That all who spoke the English language should be treated as Englishmen, unless they could give proof to the contrary; the *onus probandi* lying on those who spoke the language of Locke, and Newton, and Milton, and Shakspeare. Yes, sir, whilst the English Government establishes no such doctrine, the French Government acts upon the principle that speaking the English language is *prima facie* evidence of your being a British subject, and would justify their treating you as an enemy, the burden of the proof to the contrary being thrown upon yourself.

And, sir, is it nothing to the bill which we are now debating, for raising an additional army of twenty thousand men—or is it a departure from order to hint on this floor at a circumstance which all men are employed and occupied in discussing at their fire-sides!—that this army, to constitute an aggregate of fifty-five thousand regular troops, is about to be put under the control of the man who was the author of the Anonymous Letters at Newburg at the close of the Revolutionary war, inciting a handful of men, the remnant of the old American army—perhaps not numbering six thousand altogether—to give a *master* to the nation? Is that a consideration to have no weight upon such a question as this? With me, sir, it is conclusive. I will tell gentlemen on both sides of the House that a Government or a man may despise a calumny—that the arrows of slander will fall blunt and harmless upon them—provided that the Government and the man be true to itself and himself. Yes, sir, ask yourself this question in regard to any man, to whom you are about to confide important trusts: Does he pay his just debts? Is he a man of truth? Does he discharge as he ought the du-

ties of a friend, a brother in society? After having done that, be his politics what they may, and his peculiarity of opinion in politics what it may, he is a good man; he acquires the esteem of all who know him; he is impenetrable to mere vulgar calumny. This Government ought to employ men of real worth and capacity: it is not always that those showing qualities attracting attention in private life, or as companions, are of real capacity. Do those who administer the Government make it a rule to employ in the public service none but men of real capacity, or worth, of integrity, and of high character? Do they give their contracts and offices without fear, favor, or affection, to men of responsibility and character—to such men as you would in private life give your own contracts to? Or do they bestow them, as is done in some Governments differently constituted from ours, where church preferment and military preferment are sometimes made a dirty job of Parliamentary interest? Do they employ men of clean hands, with fair characters; or is every catiff, without examination, welcome to their arms, provided he can bring with him the proof of his treachery to his former employers? It depends on these facts whether confidence is due to any Administration of the Government.

Sir, I have much yet to say which appeared to me, when I rose, not to be unworthy your attention; but I confess to you, with feelings something like contrition, that my opinion on this subject has undergone a change.

There is one point, however, on which I do not know how to speak in this place with the reverence which is due to it. I cannot pass it over, and yet I know not how to touch it. Yes, sir, there is one reflection pressing itself as a crown of thorns upon my own head, which I am bound to present to the consideration of this Assembly and this people. Is it fitting that the only two nations among whom the worship of the true God has been maintained with any thing like truth and freedom from corruption; that the only two nations among whom this worship has been preserved unstained, shall be the two now arrayed against each other in hostile arms in a conflict in which, let who will conquer in the fight, his success in one point, if that be an object, will have been attained: so much of human life, liberty, and happiness, will have perished in the affray—in the service of this scourge with which it has pleased God, in his wisdom and justice, not in his mercy, to inflict mankind? Is it fitting that those hands which unite in giving to idolaters and to the heathen the Word of God, the Book of Life—that those hands, and those alone, should be thus drenched in each other's blood? Will you unite as a Christian with your Protestant brother across the Atlantic for these noble purposes, and then plunge the dagger into his breast with whom you are associated in a cause so holy—one so infinitely transcending the low, the little, the dirty business we are called upon here to transact? I hope that the sacrifice may be

stopped. We have nothing to expect from the mission of our Minister to the Ruler of France, whether at Moscow, or wherever else he may be. The Deity or Devil whom we worship is not to be mollified by our suppliant appeals. Let us turn from him—come out of his house—and join in the worship of the true and living God, instead of spilling the blood of his people on the abominable altar of the French Moloch.

Sir, I have done. I could have wished to continue my remarks further, but I cannot.

When Mr. RANDOLPH concluded, the House adjourned.

THURSDAY, JANUARY 14.

#### *Additional Military Force.*

The House then resumed the consideration of the bill to raise twenty additional regiments of infantry for one year.—The question being on the passage of the bill.

Mr. Stow, said: Mr. Speaker, I am aware of the delicacy and novelty of my situation, as well from the indulgence of the House, as from the neutral course which I mean to pursue. He must have been indeed an inattentive observer of mankind who proposes to himself such a course without being exposed to difficulties and dangers from every side. Our country has experienced them too long from the great belligerents of Europe, and an individual will quickly find them here. For even this House is not exempt from its great party belligerents who issue their conflicting decrees and Orders in Council; and, in imitation of the hostile Europeans, it is sometimes a sufficient cause of condemnation to have been spoken with by the adverse side. Yet, notwithstanding all these dangers, I mean to launch my neutral bark on this tempestuous ocean, conscious of the rectitude of my intentions, and humbly hoping for the approbation of my country and my God.

The proper extent of the discussion growing out of this bill seemed to be confined to these inquiries: Can the force contemplated be obtained? If obtained, will it accomplish the end proposed? And lastly, will the force be an economical one? If the discussion had been confined to these limits I would have listened, and not have spoken; but, sir, it has taken a wider range, and assumed a more important aspect. It has embraced the present, and past, and the future. The causes of the war, and the mode of conducting it, have been investigated, and even confident predictions have been made as to its end. The history and the state of our negotiations have been carefully examined—and the Presidential order of succession has been scrutinized by the light of experience as well as that of prophecy. We have sometimes been forced into the scenes of private life; and, at other times, we have been chained to the car of Napoleon. In short, sir, the discussion has ranged as wide as existence, and, not content with that, the speakers "have exhausted world,

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and then imagined new." I do not pretend to censure this—it may be well for the people to have their political concerns thus splendidly dressed and passed in review before them. But still I will attempt to call the attention of the House from the regions of fiction, of fancy, and of poetry, to the humble, but I trust no less profitable, sphere of reality and prose. Passing by many of those things which have amused by their ingenuity, or surprised by their novelty, but which do not deserve a serious answer, I will endeavor to state distinctly the grounds taken by the opponents of this bill, or rather the opponents of furnishing the means of prosecuting the war: Firstly. It is alleged "that the war was originally unjust." Secondly. "That if the war was originally just, it has become unjust to continue it in consequence of the revocation of the British Orders in Council." Thirdly. "That it is inexpedient to prosecute the war, because we have no means of coercing our enemy or enforcing our claims." Fourthly. "That we are unable to support the war." And fifthly. "That, in consideration of all these circumstances, the House ought to withhold the means of further prosecuting the war."

First, then, it was alleged that the war was originally unjust. Here let me call on the House to distinguish between unjust and inexpedient. Nothing can be more important than to have clear and distinct ideas about those words which lie at the bottom of a science, or inquiry. This is happily illustrated in mathematics—there every word, by the help of diagrams, is carefully defined; and the consequence is, that there are no disputes among mathematicians, while their labors have done honor to mankind. A thing may be just and yet inexpedient: the justice of an act relates to the conduct of another, the expediency of our own situation. It may be just for me to sue the man who withholds from me the smallest sum; and yet so inexpedient as to be even ridiculous. Thus a war may be perfectly just, and at the same time highly inexpedient. This, if I mistake not, was the ground generally taken the last year by the opponents of the war, particularly by the gentleman from Virginia before me, (Mr. SHERMAN,) which pointed out the distinction which I have endeavored to do, though with more ability and success. I hope the House will bear this distinction in mind; because it is of the greatest importance in the investigation which I intend to make. Before I enter further on the argument, I ask the House to indulge me for a moment while I explain my views relative to the commencement of the war. I never saw any want of provocation on the part of Great Britain. I never for an instant doubted the justice of the war, while I urged its inexpediency with all my might. I considered man placed here by a beneficent Providence, on a fertile soil, and in a happy climate, enlightened by science, and protected by the wisest of laws. By our Revolution cut adrift, as I may say, from the old world, before the storm which was

about to desolate Europe arose, I fondly hoped that this new world would furnish one fair experiment of what science, liberty and peace, might achieve, free from those corruptions which have eternally attended on war. I hoped to see the country improved, and bound together by roads and canals, to see it adorned by literary institutions, and by every establishment which reflects honor upon man. Nor do I yet believe that this was an Utopian vision, or an idle dream. I still believe it might all have been realized by a different course—but the nation has determined on war, and, though it was not my choice, I still maintain that it is not unjust.

I shall now examine the second proposition, "that if the war was originally just, its further prosecution is unjust." On what ground does this rest? It is this, that the Orders in Council were the cause of the war; those orders having ceased, the prosecution of the war becomes unjust. Here again justice and expediency are confounded. It was never maintained, that the Orders in Council rendered war more just than many other outrages, though they went farther to prove its expediency, and even necessity. It therefore follows, that their repeal does not affect the justice of the war; unless accompanied with compensation for the spoiliations committed under them, and atonement made for other wrongs. Neither of these, is it pretended, has been done; except so far as relates to the affair of the Chesapeake, and which I purposely left out of the catalogue of grievances. An injury which was a just cause of war, remains a just cause for its continuance, till atonement is offered, or till it is settled by negotiation. But, sir, an ample justification of war remains in the impressment of our seamen. The claim on our part is not, as has been alleged, a claim to protect British seamen—it is a claim to protect American citizens. Nay, more, as respects the justice of the continuance of the war, it is a claim only, that they will cease from the practice during the truce, that it may be seen whether it is possible to arrange it by negotiation. Is it unjust to continue the war, till this demand is complied with? or does any American wish to see his country prostrated still lower?

Having thus far explained my ideas relative to the justice of the commencement and continuance of the war, I will now proceed to answer the third objection, namely: That it is inexpedient to carry it on, because we have no means of coercing our enemy—of compelling him—to what? barely to a just and honorable peace; for that is all we demand. And have we no means of doing this? Better, then, to surrender the charter of our independence, confess we are incapable of self-protection, and beg his most gracious Majesty to again take us under his paternal care. Such a doctrine, sir, is as unfounded, as it is degrading to the American character. We have ample means of compelling Great Britain to do us justice; they are to

be found in the value of our commerce; in the enterprise of our privateers; in the gallantry of our ships of war, and the conquest of her provinces. Our custom (considering her in the light of a mechanic or merchant who supplies) is of vital importance to Great Britain. It is not to be measured by its amount, in pounds, shillings, and pence, but by the strength and support she derives from the intercourse. For, while I admit that Great Britain does not send half her exports to the United States, I do maintain, that the custom of this country is of more importance to her, than that of the whole world besides. It is with a nation as with an individual, if he exchange luxuries for luxuries, or superfluities, such as ribands for ribands, which he consumes, he adds nothing to his wealth; but if he exchange his luxuries, or his ribands, for bread, or for such materials as give scope to his industry, he is then benefited, and enriched by the interchange. Such is the situation of Great Britain with regard to America. She, and her dependencies, receive more of provision, and raw materials, from America, than from all other parts of the world together. Our trade exactly gives effect to her industry, her machinery, and her capital. And it is this which has, in a great degree, enabled her to make such gigantic efforts in the awful contest in which she is engaged. Our privateers; will they have no effect on Great Britain? Will she learn nothing from the loss of three or four hundred ships? And will she be insensible to the efforts of our little Navy? Can they touch no nerve in which Britons feel? Far different are my conclusions, from what I have seen in British papers—they show that she is tremblingly alive to that subject.

Sir, I will now consider her provinces, about which so much has been said. I, too, will speak of that wonderful country, called Canada, which unites in itself all contrarieties! Which is so cold and sterile, as to be not worth possessing; and so fertile, that if, by any calamity it should become ours, it would seduce away our population; which is so unhappy under the British Government as not to lure our inhabitants; yet so happy, that it is criminal to disturb their felicity;—whose inhabitants, if united with ours, would destroy us, because they have none of the habits of freemen; and who, well knowing the privileges of their free Government, will defend them to the last. A country which is of no importance to Great Britain, and whose loss would not make her feel; a country which is so valuable to Great Britain that she will never give it up. A country so weak that it is inglorious to attack it; and a country so strong that we can never take it. But, sir, leaving these, and a thousand other contradictions, the work of fancy or of spleen, I will present to the House what I believe to be a true view of the subject, drawn from a near residence and much careful examination. Canada is of great importance both to Great Britain and the United States. It is important to Great Britain in the

amount and kind of its exports. In the last year preceding war, its exports amounted to between seven and nine millions of dollars, an amount almost as great as the exports of the United States preceding the Revolutionary war. And had the most discerning statesman made out an order, he could not have selected articles better adapted to the essential wants of Great Britain. It has been said that Canada is of less value than one of the sugar islands of the West Indies. Sir, in the present state of the world, Canada is of more importance to Great Britain, in my opinion, than the whole West India Islands taken together. In danger, as she is, of being shut out from the Baltic, and fighting for her existence, she wants not the luxuries, the sugars, and the sweetmeats of the West Indies—she wants the provisions, the timber, the masts, and the spars of the North.

Canada is also of the greatest importance to the United States, in a commercial and political point of view. I have in a great measure explained its commercial importance, by stating its exports; a large portion of which were the products of the United States. Let an attentive observer cast his eye for one moment on the map of North America; let him bear in mind, that from the forty-fifth degree of latitude the waters of Canada bound for a vast extent one of the most fertile, and which will become, one of the most populous parts of the United States; and he will readily perceive that the river St. Lawrence must soon be the outlet for one-third of all the products of American labor. The same circumstances will enable it to lay an impost on one-third of our imported articles. Nor will the evil to our revenue end here. Great Britain will be enabled to smuggle her goods through this channel into all parts of the Union. It will be in vain that you attempt to counteract her by laws; from the great length and contiguity of her possessions, she will forever evade them, unless by your laws you can change the nature of man. But its greatest importance is in a political point of view: for, although not as happy in its government as the United States, it is sufficiently so to draw off multitudes of our new settlers, when the intermediate lands of the State of New York, which separate it from New England, shall be fully occupied. From this circumstance it will divide the American family, and, by the commercial relations which I have pointed out, it will exert a dangerous influence over a part of our country; for the transition from commercial dependence, to political allegiance, is too obvious to be insisted on. Having endeavored to show, the importance of Canada to both of the contending nations, I will only add that it is within our power.

The fourth objection is, that we cannot support the war—that we have not the ability to carry it on. Before I proceed to answer this objection, permit me, sir, to notice a single inconsistency of the gentlemen by whom it has been urged. It is this: in one part of their argu-



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ment, they represent the people as too happy to enlist, and in another part as too poor to pay! Both of these propositions, I presume, cannot be true. Not to dwell longer, however, upon this contradiction, I do maintain, sir, that the nation is fully able to prosecute the war. On what does the ability of a nation depend? A person who will give himself the trouble of examining things rather than words, will find that it is proportioned to the number of laborers and the productiveness of their labor. Wherever, from soil, climate, or improvement, the labor of a country will produce more than a supply of the necessaries of life, it is evident that the surplus time may be devoted to idleness, to the production and consumption of luxuries, or to the carrying on of war. To illustrate this farther—suppose the labor of a person for five days will support him six, then it is clear, that the labor of five men will support the sixth man in idleness or in war. Now, sir, there is nowhere that the labor of seven millions of people will produce so much as in this country; consequently, nowhere have seven millions of people so great an ability to carry on a war. The quantity of circulating medium, whether made of paper or of silver dollars, has very little to do with the subject. If it is made of paper, and to a great extent, it only shows that the people are in their habits commercial; and that the faith of contracts is well supported. The real ability of a nation lies in what I have stated; and he must be a weak politician who cannot call it forth.

Mr. Speaker, I will now consider the last, and by far the most important objection of all; and one, without which, I certainly would not have spoken. It is, that in consideration of all the circumstances in which we are placed, it is the duty of this House to withhold the means of further prosecuting the war. It will not be denied, I trust, that this is a fair statement of the scope and object of most of the reasonings which have been employed; and that without this construction, they would be irreconcilable with common sense. This doctrine, in my opinion, goes not only to the overthrow of our constitution, but to the destruction of liberty itself. The principle of our Government is, not only that the majority shall rule, but that they shall rule in the *manner* prescribed by the constitution. So that if it could be proved that a majority of the people were in favor of certain measures, it would not be sufficient till they had pronounced that decision through the *constitutional* organs. In short, it must have been a principal object with the framers of our constitution to suspend, at least for a limited time, the effects of popular opinion. The constitution has committed the legislative power to three co-equal branches; and to the same hands has it entrusted the power of declaring war; while it has expressly confided the treaty-making power (and which alone can make peace) to two only of those branches. The claim now set up, goes to invest that branch which has no

authority in the matter, not only with the treaty-making power, but also with a complete control over the other two branches. Thus *one* branch of the Government forcing the nation to *desist* from doing what *three*, including itself, had thought best to *perform*. Let us test the correctness of this principle by applying it to another co-equal branch of the Government. Let us suppose the President has made a treaty of peace, which is disapproved of by the Senate—and suppose upon this he should say, the war ought not to be further prosecuted, and refuse to employ the public force, would you not impeach him? Most unquestionably you would. I expressly admit that cases may be imagined, where such a course would be proper—where it would be not only the duty of this House to withhold supplies, but where it would be the duty of an individual to resist the laws; but such are extreme cases, not provided for by any organization of Government. What, sir, has been the practice of the British House of Commons? Have they ever refused supplies because a war was unpopular, since their revolution? Did not the same Parliament, which resolved that they would consider any man as an enemy to his country, who would advise his Majesty to the further prosecution of offensive war in America, still vote the means for carrying on the war? A similar case occurred when Mr. Fox came last into power—he disapproved of the commencement and conduct of the war, and yet he called for and received the necessary supplies.

Mr. CALHOUN observed, that he could offer nothing more acceptable, he presumed, to the House, than a promise not to discuss the Orders in Council, French decrees, blockades, or embargoes. He was induced to avoid these topics for several reasons. In the first place, they were too stale to furnish any interest to this House or country. Gentlemen who had attempted it, with whatever abilities, had failed to command attention; and it would argue very little sagacity on his part not to be admonished by their want of success. Indeed, whatever interest had been at one time attached to these subjects, they had now lost. They have passed away; and will not soon, he hoped, return into the circle of politics. Yes, sir, as reviled as has been our country's efforts to curb belligerent injustice, as weak and contemptible as she has been represented to be in the grade of nations, she has triumphed in breaking down the most dangerous monopoly ever attempted by one nation against the commerce of another. He would not stop to inquire whether it was the non-importation act, or the menace of war, or what was the most probable, the last operating on the pressure produced by the former. The fact is certain, that the Orders in Council of 1807 and 1809, which our opponents have often said that England would not yield, as they made a part of her commercial system, are now no more. The same firmness, if persevered in, which has carried us thus far with success, will,

as our cause is just and moderate, end in final victory. A further reason which he had, not to follow our opponents into the region of documents and records, was, that he was afraid of a decoy; as he was induced to believe from appearances that their object was to draw our attention from the merits of the question. Gentlemen had literally buried their arguments under a huge pile of quotations; and had wandered so far into this realm of paper, that neither the vision of this House has been, nor that of the country will be, able to follow them. There the best and worst reasons share an equal fate. The truth of the one and error of the other, are covered with like obscurity.

Mr. C. said he would not multiply proof on a course of conduct the bad effect of which was too sensibly felt to be easily forgot, and the continuation of which was but too apparent in the present discussion. For what was the object of the opposition in this debate? To defeat the passage of this bill? It has been scarcely mentioned; and contains nothing to raise that storm which has been excited against it. The bill proposes to raise twenty thousand men only, and that for one year; and surely there is nothing in that calculated to lay such strong hold of the jealousy or fear of the community. What then is the object of the opposition? Gentlemen certainly do not act without an intention; and wide as has been the range of debate, it cannot be so lawless as to be without an object. It was not, he repeated, to defeat the passage of this bill; no, but what was much more to be dreaded, to thwart that, which the bill proposes to contribute to, the final success of the war; and for this purpose he must do the opposition the credit to say, they have resorted to means the best calculated to produce the effect. In a free Government, in the government of laws, two things are necessary for the effectual prosecution of any great measure; the law by which the executive officer is charged with the execution and vested with suitable powers; and the co-operating zeal and union of the people, who are always indispensable agents. Opposition to be successful must direct its efforts against the passage of the law; or, what was more common and generally more effectual, to destroy the union and the zeal of the people. Either, if successful, is effectual. The former would in most cases be seen and reprobated; the latter, much the most dangerous, has, to the great misfortunes of Republics, presented at all times a ready means of defeating the most salutary measures. To this point the whole arguments of opposition have converged. This gives a meaning to every reason and assertion, which have been advanced, however wild and inconsistent. No topic has been left untouched, no passion unessayed. The war has been represented as unjust in its origin, disastrous in its progress, and desperate in its farther prosecution. As if to prevent the possibility of doubt, a determination has been boldly asserted not to support it. Such is the

opposition to the war, which was admitted on all sides to be just; and which in a manner received the votes even of those who now appear to be willing to ruin the country in order to defeat its success.

But, say our opponents, as they were opposed to the war, they are not bound to support it; and so far has this opposition been carried, that we have been accused almost of violating the right of conscience, in denying the right set up by gentlemen. The right to oppose the efforts of our country, while in war, ought to be established beyond the possibility of doubt, before it can be justly adopted as the basis of conduct. How conscience can be claimed in this case cannot be very easily imagined. We oppose not by laws or penalties; we only assert that the opposition experienced cannot be dictated by love of country, and is inconsistent with the duty which every citizen is under to promote the prosperity of the Republic. Its necessary tendency is to prostrate the country at the feet of the enemy, and to elevate a party on the ruins of the public. Till our opponents can prove that they have a right which is paramount to the public interest, we must persist in denying the right to thwart the success of the war. War has been declared by a law of the land; and what would be thought of similar attempts to defeat any other law, however inconsiderable its object? Who would dare to avow an intention to defeat its operation? Can that, then, be true in relation to war which would be reprobated in every other case? Can that be true which, when the whole physical force of the country is needed, withdraws half of that force? Can that be true which gives the greatest violence to party animosity? What would have been thought of such conduct in the war of the Revolution? Many good citizens friendly to the liberty of our country were opposed to the declaration at the time; could they have been justified in such opposition as we now experience? To terminate the war through discord and weakness is a hazardous experiment. But, in the most unjust and inexperienced war, it can scarcely be possible, that disunion and defeats can have a salutary operation. In the numerous examples which history furnishes, let an instance be pointed out, in any war, where the public interest has been promoted by divisions, or injured by concord. Hundreds of instances may be cited of the reverse. Why, then, will gentlemen persist in that course where danger is almost unavoidable, and shun that where safety is almost certain?

But, sir, we are told that peace is in our power without a farther promotion of the war. Appeal not, say our opponents, to the fear, but to the generosity of our enemy. England yields nothing to her fears; stop, therefore, your preparation; and throw yourself on her mercy, and peace will be the result. We might, indeed, have pardon, but not peace on such terms. Those who think the war a sacrilege or a crime, might consistently adopt such a course; but wa-

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who know it to be for the maintenance of the just rights of the community, never can. We are farther told that impressment of seamen was not considered a sufficient cause of war; and are asked why should it be continued on that account? Mr. C. observed that he individually did not feel the force of the argument; for it had been his opinion, that the nation was bound to resist so deep an injury even at the hazard of war; but, admitting its full force, the difference is striking between the commencement and the continuance of hostilities. War ought to be continued until its rational object, a permanent and secure peace, could be obtained. Even the friends of England ought not to desire the termination of the war, without a satisfactory adjustment of the subject of impressment. It would leave the root that must necessarily shoot up in future animosity and hostilities. America can never quietly submit to the deepest of injury. Necessity might compel her to yield for a moment; but it would be to watch the growth of national strength, and to seize the first favorable opportunity to seek redress. The worst enemy to the peace of the two countries could not desire a more effectual means to propagate eternal enmity.

But it is said that we ought to offer to England suitable regulations on this subject to secure to her the use of her own seamen; and because we have not, we are aggressors. He denied that we were bound to tender any regulations, or that we had not. England was the party injuring. She ought to confine her seamen to her own service; or, if that was impracticable, propose such arrangements that she might exercise her right without injury to us. This is the rule that governs all analogous cases in private life. But we have made our offer; it is, that the ship should protect the sailor. It is the most simple and only safe rule; but, to secure so desirable a point, the most liberal and effectual provisions ought and have been proposed to be made on our part to guard the British Government against the evil they apprehended, the loss of her seamen. The whole doctrine of protection heretofore relied on, and still recommended by the gentleman from Connecticut, (Mr. P.,) is false and derogatory to our honor; and under no possible modification can effect the desirable objects of affording safety to our sailors, and securing the future harmony of the two countries. Nor can it be doubted, if governed by justice, she will yield to the offer of our Government, particularly if what the gentleman from New York (Mr. BLECKEE) says be true, that there are ten thousand of her seamen in our service. She would be greatly the gainer by the arrangement. Experience, it is to be feared, however, will teach that gentleman that the evil lies much deeper. The use of her seamen is a mere pretence. The blow is aimed at our commercial greatness. It is this which has animated and directed all of her injurious councils towards this country. England is at the same time a trading and fighting nation;

two occupations naturally at variance, and most difficult to be united. War limits the number and extent of the markets of a belligerent, makes a variety of regulations necessary; and produces heavy taxes, which are inimical to the prosperity of manufactures and consequently commerce. These causes combined give to trade new channels, which direct it naturally to neutral nations. To counteract this tendency, England, under various but flimsy pretences, has endeavored to support her commercial superiority by monopoly. It has been our fortune to resist with no inconsiderable success this spirit of monopoly. Her principal object in contending for the right of impressment is to have, in a great measure, the monopoly of the sailors of the world. A fixed resistance will compel her to yield this point as she has already done her Orders in Council. Success will amply reward our exertions. Our future commerce will feel its invigorating effects. But, say gentlemen, England will never yield this point, and every effort on our part to secure it is hopeless. To confirm this prediction and secure our reverence, the prophecies of the last session are relied on. Mr. C. felt no disposition to disparage our opponents' talents in that line; but he very much doubted whether the whole chapter of woes had been fulfilled. He would, for instance, ask whether so much as related to sacked towns, bombarded cities, ruined commerce, and revolting blacks, had been realized?

Such, then, is the cause of the war and its continuation; and such the nature of the opposition experienced, and its justification. It remains to be seen whether the intended effect will be produced. Whether animosity and discord will be fomented, and the zeal and union of the people to maintain the rights and indispensable duties of the community will abate; or, describing it under another aspect, whether it is the destiny of our country to sink under that of our enemy or not. Mr. C. said he was not without his fears and his hopes.

On the one hand our opponents had manifestly the advantage. The love of present ease and enjoyment, the love of gain, and party zeal, were on their side. These constitute part of the weakness of our nature. We naturally lead that way without the arts of persuasion. Far more difficult is the task of the majority. It is theirs to support the distant but lasting interest of our country; it is theirs to elevate the minds of the people, and to call up all of those qualities by which present sacrifices are made to secure a future good. On the other hand, our cause is not without its hope. The interest of the people and that of the leaders of a party are, as observed by a gentleman from New York, (Mr. Stow,) often at variance. The people are always ready, unless led astray by ignorance or delusion, to participate in the success of the country, or to sympathize in its adversity. Very different are the feelings of the leaders; on every great measure they stand pledged against its success, and almost invariably con-

sider that their political consequence depends on its defeat. The heat of debate, the spirit of settled opposition, and the confident prediction of disaster, are among the causes of this opposition between the interest of a party and their country; and in no instance under our own Government have they existed in a greater degree than in relation to the present war. The evil is deeply rooted in the constitution of all free Governments, and is the principal cause of their weakness and destruction. It has but one remedy, the virtue and intelligence of the people—it behooves them, as they value the blessings of their freedom, not to permit themselves to be drawn into the vortex of party rage. For if by such opposition the firmest Government should prove incompetent to maintain the rights of the nation against foreign aggression, they will find realized the truth of the assertion that government is protection, and that it cannot exist where it fails of this great and primary object. The authors of the weakness are commonly the first to take the advantage of it, and to turn it to the destruction of liberty.

MR. DESHA.—Mr. Speaker, it is not my intention to detain you long; my principal object in rising is to conjure gentlemen to bring this debate to a close. Sir, what can gentlemen flatter themselves by suffering this discussion to be protracted to so unwarrantable a length? It cannot be supposed that the substantial part of this House (I mean those who think much and speak little) will, by theoretical or sophisticated remarks, be driven from their course. Then, sir, those long-winded speeches must be either intended for the gallery, or for gentlemen's constituents. It would certainly be unjustifiable to sport away the public money; to exhaust the public patience in making long speeches, merely for the purpose of amusing the ear of the gallery. And, sir, your constituents would much rather you would act with decision, with promptitude, in adopting measures calculated for a vigorous prosecution of the war, that it might be brought to a speedy and honorable termination, than to take up weeks in detailing the causes of the war. The people are fully apprised of the causes of the war, from the documents that have been promulgated; they are satisfied that it is a just and necessary war: that it has been forced upon us by the injustice and oppression of our enemy, occasioned in a great measure by the violent opposition of a party to the Administration. Sir, act so as to give a vigorous prosecution to the war, and act promptly, and the people will support you with manly firmness, independent of the consideration of expense.

Mr. Speaker, this bill contemplates raising twenty thousand men for one year. Although I shall vote for the bill under consideration, I do not altogether approve of it. Sir, the time of service is too short to answer a valuable purpose. I am not so sanguine as to suppose that we will overrun the British provinces in one season. I should like it much better if the

time of service, as has been proposed, was extended to eighteen months, and the bounty raised in proportion. You would then have the advantage of two campaigns; in the last of which, you might calculate on a certainty of being able to do something of a decisive character, as you would have the advantage of disciplined troops; and really, sir, if this bill is to answer any valuable purpose, it ought to have been passed some time since. Gentlemen certainly must see that the object of the opposition is procrastination; they have predicted that the bill under consideration, if adopted, will not only run the country to extraordinary expenses, swell the national debt to an enormous size, but that it will ultimately bring disgrace on the Government. And, sir, they are determined that their predictions shall be realized, by putting off the passage of the bill until late in the season, thereby preventing you from obtaining the men in time to do any thing of a decisive character next summer. This, in my mind, is unquestionably their object; and I believe the ambition of some of them is such, that, rather than be found false prophets, they would endanger the only republic in the world. Sir, I do not wish to be understood to include the whole Federal party; far from it. I believe there are some, and I hope a considerable portion, who are American in principle, and would, perhaps, go as far as any American in defending their country's rights. Sir, it is not my intention to arraign motives; but, speaking of party, what has been the conduct of the Federalists for twelve years past, ever since the termination of the Reign of Terror? A uniform opposition to every thing of a prominent character proposed by the different republican Administrations. Now, sir, if Mr. Jefferson and Mr. Madison had been the weakest of men, as well as the wickedest, (which no man in his senses, who had any respect for his character, or standing in society, would assert,) they must have accidentally happened on something right in the course of twelve years.

Mr. Speaker, it is mortifying to see gentlemen who call themselves Americans, rise up in the face of the nation to palliate and vindicate the conduct of an enemy, and at the same time reprobate, in the strongest language of ridicule, every step proposed by the Administration calculated to counteract the iniquitous and destructive policy of our enemy. Can such conduct be called American? Sir, when it ought to be the duty and pride of every man having any pretensions to American principles, to rally under the governmental standard, in order to assist in expelling our tyrannical oppressors from the continent, by which extricating the Government from its present difficulties, you see the Federal party making every exertion in their power to make the war a dishonorable one.

I know, Mr. Speaker, that it is in the nature of tyrannical or despotical Governments to take arbitrary strides; yet, sir, I do believe that the

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impositions and oppressions heaped upon the American Government; the evils under which we at this time labor, are measurably, if not entirely, attributable to the party hostility arrayed against the Administration. Sir, they have, by their uniform opposition, led the British to believe that they had a powerful party in this country; that parties were nearly equally balanced; that it would be impossible for a Republican Administration to adhere to any decided stand taken against England, and that finally the English party would prevail. Thus, sir, have Government been beset by party. They have been baffled in every peaceable step calculated to vindicate our rights, or redress our grievances, until, by the injustice of our foreign enemy, bottomed on the aid they calculated on receiving from our domestic foes, the Government have been forced into war. And now you are told to put a stop to the war, and try once more if Briton will not do us justice. Degrading thought! Sir, we have already humbled ourselves in making proposals, and all efforts on the part of the Administration failed. The world has seen and understood that the failure was attributable to her own wickedness, and not to our pertinacity. Sir, the American Administration has exhibited an example of moderation unparalleled in the annals of the world; our forbearance has astonished the universe, and we have the consolation to see that neither the guilt of aggression, nor the folly of ambition, can be fairly attributed to it. Negotiation, as well as patience, has been exhausted. Instead of appealing again to the justice of a Government that makes principle bend to power, we have been necessarily compelled (though reluctantly) to appeal to arms, and I trust in God that they will never be laid down short of justice.

Mr. CHEVES rose.—It was for some time during this debate, said he, my intention to have mingled my unimportant opinions and sentiments with those of other gentlemen in this discussion; but I gave way from time to time before the eagerness of others who were desirous of presenting themselves to your attention, and I had entirely abandoned the idea of taking any part in the argument; but the sudden and unexpected indisposition at this moment of my worthy friend and honorable colleague, (Mr. WILLIAMS,) the chairman of the committee with whom this bill originated, who was expected to close the debate, has left a vacuum in the argument which I propose to fill. Could he have addressed you, as he was prepared and anxious, in the faithful discharge of his duty to do, it would have rendered the feeble attempt which I shall make as unnecessary as it would have been impertinent and obtrusive. I propose, then, to speak, as my honorable friend would probably have done, generally, but briefly, on the several heads of discussion which have been introduced into the debate, which has not been on the bill before you, but on the general merits of the war; the

origin, progress, and continuance of it. I mean not to censure the wide range which this discussion has taken. It is fair and right in gentlemen of the opposition to select some occasion during each session on which to discuss the great questions of state which the public events of the passing times present; and the one furnished by the bill before you was perhaps as proper as any other.

Almost all the gentlemen who have addressed you, have very gravely told you, by way of exordium, of their unquestionable right to do so, and of the firmness with which they mean to assert and exercise it, as if there had been, at any time, really an opposition to this freedom of discussion. These introductions must be a little amusing to the members of this House and to the attendants in your galleries, who have been in the habit of listening to the gentlemen. But if there ever could have been a doubt on this subject, and surely there never was any, the debate, which I hope is about to be closed, affords an ample refutation of it. There are parts of this debate which will descend to distant posterity as a monument of the freedom of discussion in this Hall. I trust, sir, we shall furnish few such testimonials—I hope never to see another exhibition on this floor. They must be looked upon with apprehension by all those who consider the restraints of personal politeness and the urbanity of social esteem as affording a better security to those who love peace and good manners, for the preservation of these valuable objects, than can be lent by the strongest arm or the severest sanctions which positive institutions have established; restraints under which even "vice itself loses half its evil, by losing all its grossness." I shall imitate the example of gentlemen who followed in the debate—I shall pour oil upon the waves, and endeavor to still the raging of the storm.

Gentlemen, fruitful in epithets, yet rather fruitful in their abundance than in their variety, have called this an unjust, wanton, wicked, and unnecessary war. I, on the contrary, assert it to be a just and necessary war. One characteristic difficulty here presents itself, which has occurred in all the discussion in and out of this House on this subject. What is a just and necessary war? By the advocates of war it is asserted that the injuries and insults of the enemy demanded war, and rendered this war just and necessary. The opponents of war admit the magnitude of the insults and injuries, but deny the inference. They assert that the war is unnecessary and not justifiable, because the pecuniary expenditure and loss will exceed in value the commercial objects for which we are contending. The advocates of war deny both the premises and the conclusion. The objects of the war are not merely commercial, but, if they were, the inference is denied. They admit that the pecuniary expenditure and loss will exceed the pecuniary value of the commercial objects for which they contend, but they deny that a war for commercial objects is

therefore unnecessary or indefensible. To an intelligible argument it seems, therefore, under these circumstances, necessary that we should begin by some definition of a just and necessary war; and yet it seems to be a melancholy labor in a great and free State, where public sentiment should be unequivocal on such subjects, to proceed by rules of logic to establish great first principles of public sentiment; but I fear that, as all good things are purchased by concomitant sacrifices, we have not obtained the innumerable blessings and advantages of the freedom of speech and of the press for nothing. I fear they have sometimes substituted an erring reason for a better guide—the great uncontaminated current of public feeling—the moral sense of the nation, of which the honorable gentleman from Massachusetts (Mr. QUINCY) so often tells so much.

But we must inquire, what is a just and necessary war? A war is just and necessary when waged to protect and defend the violated pecuniary interests of the country; or to defend and secure the sovereign rights and independence of a country; or, lastly and principally, to support and maintain the national honor. The last, indeed, embraces all the others; and, if I have distinguished, it is rather in conformity with custom, or for the purpose of elucidation than from any practical separation which I admit between the last and the former. But I am likely to incur the derision of the honorable gentlemen in the opposition by speaking of national honor. They seem not to have admitted the term into their vocabulary; they treat it as a new language; they remind me of the character of *Goldfinch* in one of *Holcroft's* plays, who, when he hears the Romans mentioned, exclaims, "Romans! Romans! who are they?" So the gentlemen, "national honor! what's that? what's that?" Yet, sir, strange as it may seem to the honorable gentlemen over the way, the maintenance of the principle of national honor, by which I mean that principle which animates and sustains an elevated fitness of character and conduct, is the only justifiable cause of war; and, if necessary, the principle ought to be maintained by all the sacrifices of war in its worst shape. No war is justifiable or necessary which is waged merely for pecuniary objects, if we can suppose such a war, for all wars involve expense and loss greater than the amount of any pecuniary objects for which they can be waged. On the ground of interest merely they would not, therefore, be justifiable; and there is to be superadded, what cannot be valued in money, the value of human life. But the value of every thing is founded on the security with which it is enjoyed. One unpunished violation of right provokes another and another, until all security is destroyed; and, therefore, it is necessary to resist given infractions of pecuniary right by sacrifices beyond the value of the right itself, because resistance is necessary to the security of all other pecuniary rights—nay, to the security of all other

rights. Security of rights is a political thing; it is the protection of Government; it derives its value, and a great portion of its power, too, from a faithful and unrelaxed application of it to all the rights and interests of a nation; and is diminished in its value, and in its power also, by any failure to afford the protection which is due by Government to the subjects and the interests under its control. To abandon any interest is to abandon all, and to protect one is to protect all; war, therefore, waged to protect one political right is waged to protect all political rights; no war is, in consequence, made for any given right merely as such, but for all the rights and interests which are bound together in a nation under the social and civil compacts. To compare the expenditure and losses of war with the value of commercial objects, which may be the immediate cause of war, is to talk idly, and to forget the true end of all war and the first great purpose of Government—security. A great man (Sir James Mackintosh) has said, "the paramount interest of every State, that which comprehends all others, is security." Will you, then, it may be inquired, go to war to avenge the infraction of the smallest right under the protection of Government, and for this object jeopardize every other, and spill the blood of your fellow-citizens? Certainly not. There is a fitness which cannot be defined in anticipation, but which is easily discoverable when the occasion occurs, which determines when a war is necessary. It may depend upon the nature of the injury; on the character which the nation has acquired; on its ability to avenge the injury; on the character of the nation which has inflicted the injury, and a thousand other circumstances. The question ought always to be, What becomes the nation? What is due to the national honor? What is necessary to sustain an elevated fitness of character and conduct in the nation? If the injury sustained be one which cannot or will not probably be repeated, it is less necessary to avenge it. If the nation be poor and feeble, it may be obliged to submit to the violation of a great right. If it be great and powerful, it must sometimes resent a smaller injury; it may sometimes disdain to notice a considerable aggression upon its rights; in short, in no instance is the expense of the war a rule which will prove it just and necessary, or otherwise; in every instance is national honor, that is, a fitness of character and conduct, the rule by which its necessity and justifiable character are determinable. Generally when a nation is able to resist with effect the infraction of important pecuniary rights, it seems indubitable that an elevated fitness of character and conduct requires resistance. But this obligation is increased, and is less doubtful when any of the sovereign rights of a nation are infringed, as in gross and reiterated insults to the national flag, habitual violations of the personal liberty of its subjects, invasion of its territories, and the like; these are assaults upon

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its independence, and there is no room left for an inquiry into the fitness of resistance; it may indeed be supposed to change from a question of expediency to an act of necessity; it is a struggle for self-preservation; the nation acts upon a principle which is inherent in the meanest insect, and of which inanimate matter is not divested; the worm, when trodden on, writhes in resistance as well as anguish, and the reaction of inanimate matter seems to be the repulsive act of self-preservation.

What, then, did an elevated fitness of character and conduct require of the American Government, in relation to Great Britain, at the moment war was declared? What does it still require? I repeat, the war is a just and necessary war. This will be proved by adverting to the causes of the war. What, then, were the causes of the war? They were principally new and before unheard-of blockades—the Orders in Council, which have been generally so called, by way of pre-eminence; the spoiliations of our commerce under various unfounded and insulting pretexts, and the impressment of our seamen. I am not permitted by the circumstances under which I address you to go at length into any of these subjects. But I may ask, what on the ocean did we enjoy but by the sufferance of Great Britain? What insults, what injuries had we not suffered? When did they begin; when, though they may have been varied in character, were they relaxed in degree, and when were they probably to cease?

Great Britain has been properly selected as the first object of our hostility. When a proposition was made to include France as well as Great Britain in the declaration of war, gentlemen on neither side of the House did support it. The opposition prints throughout the Union laughed it to scorn. Few men thought of resisting both at once. The voice of both parties appeared to be against it. The Government, obliged to resist, was obliged to select its enemy. Should France have been selected? With the blood of our citizens insultingly slaughtered without the slightest provocation, on the shores of our own territory, unatoned for till the moment of the declaration of war, with the habitual impressment of our seamen in every sea, with the continual and reiterated violation of your right to seek where you choose a market for your native produce, all before your eyes, and with no hope of a discontinuance of these injuries, we are told that we ought to have diverted our enmity from Great Britain, and directed it against France. Where, sir, could we attack France? Where are her colonies into which we could carry our arms? Where could we subjugate her provinces? Where are her ships?—where her commerce? Where could we have carried on against her any of the operations of war? Would the chivalry of gentlemen on the other side of the House have suggested an invasion of France? An honorable gentleman from New York, (Mr. GOLD) said it would not have required another

man nor another ship, to have resisted France. But, why, I pray you? Because such a resistance would have been confined to the idle and nugatory act of declaring it. Effectual resistance would have been impracticable. Gentlemen would resist France, would declare war against France, merely to show their indignation at her perfidy and injustice; and here I confess my feelings go with the gentlemen—I would do so too, had we no other enemy to contend with. But if we had abandoned or deferred our resistance to the injuries of England and as a pretext for it assailed France, would not the act have been idle and weak? Would it not have been wicked, to borrow one of the epithets which gentlemen have applied to the war with England, so to have sported with the public feelings and the national resentment as to have declared war against France, the minor aggressor, whom we could not touch, and to have suppressed our resentment against Great Britain, whose injuries were unlimited and unceasing, and whom alone we could reach? But why, sir, are the injuries these nations have done contrasted, and those of the one made an apology for those of the other? Why are we partisans of either? Have we no country of our own? Is there a land upon the globe so fair, so happy, and so free? And, beholding and enjoying these blessings,

"Breathes there a man with soul so dead  
Who never to himself hath said,  
*This is my own, my native land!*"

Sir, I feel neither as a Frenchman nor Briton, but as an American. As a citizen of the United States, I bear no affection to any other country. If I have any feeling of partiality for either of the great belligerents, it is for the country, and the people of Great Britain. From them I draw my blood in a very short descent. But that nation is the injurer of my country, and I can see her in no other light than that of an enemy, nor can I find any apology for her in the injuries France has done us. Sir, the Government did right in discriminating between Britain and France, and selecting the former. It was the only mode of real practical resistance. The world would have laughed at us had we declared war against France, who was no longer able to injure us, whom we could not assail with effect, and have left the unceasing injuries of Great Britain to go on unresisted and unresented. The world would have considered it as a mere cover for our pusillanimity. I say, then, that the Government was not tricked into a war with Great Britain. It was commenced in the prosecution of the best and most deliberate policy. It was the only honorable and practicable course. If there has been an error, and I think there has, it was in not having long since resisted England. War against England should have followed the first embargo; that was a wise measure, but it could not endure forever; it carried the policy of commercial restriction upon the enemy as far as such a policy

should ever be carried, which from its nature can only be temporary. It at the same time prepared the nation for war; it brought home your wealth and seamen; it brought home your vessels, and placed you in the attitude in which the nation ought to have been previous to war, and its termination ought to have been followed by immediate and vigorous war. The pulse of the nation was high, and the confidence of the people in their rulers and resources great. Distrust has grown out of the hesitation and timidity then manifested. If the embargo had been followed up by war, some of the greatest injuries we have since suffered would not have occurred. France would not have ventured to have seized and sequestered our vessels and property as she subsequently did. She was tempted to do it because she saw we would suffer and submit to any injury.

Gentlemen say, that popular opinion was against the war. I deny it, sir. It was called for by popular opinion; and this will not be disproved, however soon popular opinion shall incline to peace, and gentlemen on the other side of the House regain the reins of power, as they are not unlikely to do, however just and necessary the war. Any man who thought with half the ability with which the gentlemen do, must have believed that in voting for war, he was probably surrendering himself politically a victim on the altar of his country; yet it is frequently declared, that the majority have declared this war to preserve their seats. They declared it against popular opinion, too, to preserve their seats, which they hold by the tenure of popular opinion! Are gentlemen serious? Look at the history of nations, and see if the war-makers have been generally the peace-makers.

But war was prematurely declared, it is said, because we had not a regular disciplined army at the time. Preparation for operations on land must have been relative to the defence of our own territory, or the invasion of the enemy's territory. The militia are the proper and the adequate defenders of the soil on which they live; for this purpose we did not want any other army. They might have been made more extensively useful. I join not with their revilers—I wish that their usefulness had not been circumscribed by a doctrine subversive of the true principles of the constitution which was maintained on this floor. I rejoice that I combated that doctrine; yet I do not mean to consider them as a fit army of invasion. I acknowledge that we were not prepared with a regularly-disciplined army, qualified for the invasion and conquest of the enemy's country. But should we have been prepared by winter, the time to which gentlemen wished to have deferred the declaration of war? It is a truth that a Government like ours never will, and never can, be prepared for war in peace. The great and effective preparation for war must grow out of the progress and events of the war. Notwithstanding our disasters on land, I believe

our preparation is greater, and our situation better, than it would have been had the war been deferred. We were to expect, in the commencement of the war, to suffer such misfortunes. Except in the affair of Detroit, nothing has happened which should cause us to blush: that disgrace, like the disgrace of the Chesapeake, will be the harbinger of glory—I take it as an omen of victory. I pledge myself, if the war continue it will be so in the event. As the war stands at this moment, we have suffered little, and we have humbled the pride of the enemy where it was most insulting. We have insured the confidence of the nation, from the seashore to the mountains beyond them, as far as our population reaches, in our naval ability. I ask the gentlemen on the other side of the House, whether we have not gained something in this respect by the war? In one word, who would now commence the war and take the chance of better success in preference to the actual fortune of the war since it has been declared. It was not prematurely declared. I now contend the war ought to be continued. Some gentlemen have thought fit to say in debate, that the only alleged cause of war was formed by the Orders in Council. But from their own act, their celebrated protest, I will prove the contrary. Impressment is there enumerated as among the causes of war, as it was in all the public acts of the time relative to the causes of war. Without more words, I am authorized in asserting that impressment was one of the principal causes of the war; and although had the Orders in Council been revoked, and their revocation known to us before war was declared, we would no doubt have temporized longer; yet this cause itself must in the end have produced war.

It appears that very soon after the General Government went into operation, this practice was the subject of remonstrance; this was under the Administration of General WASHINGTON. It has been the subject of negotiation and remonstrance under every succeeding Administration. But it is alleged, because it was not settled in the Treaty of 1794, that it was not considered by General WASHINGTON as justifiable cause of war, and it is inferred that it ought not now to be considered as sufficient cause for the continuance of the war. What, sir, shall constitute cause of war? The spoliation of your property? Not so, say gentlemen, because the expenditure for redress will be greater than the injury sustained. The violation of the personal liberty of your citizens and the degradation of the ensign of your sovereignty? No, say gentlemen, General WASHINGTON did not consider these as sufficient cause of war. Will, then, any injury, or any combination of injuries, authorize or require national resentment? The reasoning of the gentlemen would lead us to a negative conclusion. But in their estimate of the actual causes of the present war, they appear to consider the business of impressment as trivial, and the Orders in Council as every



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thing. What, sir, will you go to war for property, the value of which is only relative, and which, compared with personal liberty, is worthless, and refuse to go to war for the personal liberty of the citizen? for that which is alike

“Given to the fool, the vain, the evil—  
To Ward, to Waters, Chartres, and the Devil!”

You will wage war, and not to rescue your fellow-citizens from imprisonment and stripes? But however this subject was to be viewed before we were actually involved in war, it must now be put on a footing of certainty; if our claim be not secured it will be surrendered; to make peace without obtaining any security against the abuse of which we complain, would be to acquiesce in it, and to acquiesce in it would be to surrender the rights of the country. This was the reasoning of Mr. King, who in one of his communications to Government on this subject says, he has abandoned negotiation, because to acquiesce in the views of the British Government would be to surrender our rights. And shall I be obliged, sir, to come here with volumes of documents to prove the rights of the citizen; to demonstrate that the naval officers of Britain have not a right to incarcerate him; to drag him to the gangway and flog him? Shall I be obliged by a laborious process of reasoning to prove the obligation of Government to rescue him from such suffering? No, gentlemen generally have abandoned this ground, and say, that the impressment of our citizens is, under proper circumstances, justifiable cause of war; and the gentleman from North Carolina, (Mr. PEARSON,) who opened the debate on this subject says, that if a fit proposition, accompanied by means calculated to give it a fair chance of success, were tendered and did not procure a cessation of the practice of impressment, he would support the war. What is the proposition which he submits? That we shall prohibit from serving in our ships the seamen of Great Britain and other foreign seamen, and confine our crews to our own citizens. This being done he will support the war. I challenge gentlemen on the other side of the House to say distinctly to the people, for whom an honorable gentleman (Mr. QUINCY) has said this debate was intended, that this war should not be continued for the protection of our seamen; they will not, they dare not. But if they are against the continuance of the war, it is on that ground and no other. The honorable gentleman from Virginia (Mr. RANDOLPH) says, Great Britain has a right to insist on the services of her own subjects, and that England would not be England if she could not command them. I say that America will cease to be America if she suffers her to command them at the price of the liberty of her citizens and the honor of her flag. The same gentleman says, England will nail the flag to the mast and go to the bottom with it, rather than surrender the right of taking her seamen from on board our merchant vessels. I hope, sir, we shall imitate the noble

example she sets us, and make every sacrifice rather than give up our citizens to bondage and stripes.

But, say gentlemen, the public law of all nations on earth, ancient and modern, has denied the right of expatriation. Admit that they are correct, and for the purpose of the argument, I do admit that such is the general law. But what is this law as modified by the practice of nations? Every nation which has thus forbidden expatriation has at the same time granted naturalization, and the general practice of nations is undoubtedly the law of nations. Does not England naturalize foreigners? Does she not naturalize your citizens? If she does not do it as generally as you do, it is because it is not her policy to do so; it is enough that she naturalizes your seamen; it is enough that all nations have, at the same moment, forbidden expatriation and granted naturalization. The law must be the result of neither exclusively, but of both these practices. Mr. Burke, (the great Edmund,) who was certainly no innovator, denominates Charles XII. the murderer of Patkul. Patkul was born a Swedish subject and had repeatedly taken up arms against his Sovereign; he was adopted by Russia and had been her Minister at the Court of Poland. Charles XII., the Sovereign to whom his natural allegiance was due, obtained possession of his person and put him to death—this act Mr. Burke denominates murder!

Governments which have naturalized foreigners have protected their naturalized subjects, and the Government to whom the native allegiance of such subjects was due, though they have denied the right of expatriation, have not impugned the protecting interposition of the adopted sovereign. If they have, it has been considered as an act of unprincipled violence, and in the instance of Patkul has merited and received the denomination of murder. On this subject I will quote a single sentence from one of Mr. King's letters; he says, “it behooves the British Government to adhere to the principle of natural allegiance wholly, or renounce it wholly.” Contending themselves for the right of naturalization, can the British Government deny it to others? On the part of this Government sufficient evidence of its pacific and accommodating disposition appears in its offer to surrender every thing it can, consistently with national faith. On the part of Britain a protraction of the war, by refusing to meet us on the terms proposed, can proceed from no other motive than a determination to continue that abuse of power which she has inflicted and we have suffered so long. The ground taken by this country is what we must insist upon keeping, and I doubt not we will succeed if we contend for it as we ought. The informality of the negotiation between our Chargé d’Affaires and the British Government has been mentioned as a cause of its failure. If there had been an amicable disposition on the part of the British Government, the authority would have been consid-

ered ample. If there be not an amicable disposition we will negotiate in vain. We must fight, or we shall never succeed in obtaining a recognition of our rights. I will advert to one argument of the gentleman from New York, (Mr. EMOTT,) who has examined this subject with ability. It is that one which appeared to me to make the greatest impression on the House. He said he had examined the voluminous document on the subject of impressment, which was printed during the last session by order of the House, and that it did not appear from that document that more than ninety-three American seamen had been impressed in the year 1809; from which I believe every one who heard him inferred that it was proved affirmatively by that document, that no more than ninety-three American seamen, who were named therein, were impressed in that year. Now, what is the fact? The document does not state in one case, perhaps of eight or ten, when the impressment took place, and there are one thousand five hundred and fifty-eight persons named in that document. Of course the gentleman could not be authorized to say that but ninety-three, or any other precise number, were impressed in 1809. All those, the date of whose detention is not stated, may have been impressed in 1809. It is probable much the greatest portion was. A more particular examination of this point of inquiry will prove the magnitude of the evil. From the 1st of April, 1809, to the 30th of September, 1810, a period of eighteen months only, a single agent of this Government, in London, received one thousand five hundred and fifty-eight applications from impressed seamen. How many were unable to apply? Men imprisoned on board ships of war, scattered over the ocean and on distant stations, how could they apply to Mr. Lyman in London and give in their names? The number impressed must have been great, indeed, when a single agent in the short space of eighteen months, registered the names of one thousand five hundred and fifty-eight applicants. Of this number a part was discharged, acknowledged to be Americans beyond the possibility of denial; a small number is detained as being born in England, and the remainder are detained under various pretexts—such as supposed to be born in England, being on distant stations, having consular certificates proving them Danes, Swedes, &c.; as if they had any better right to take from on board an American vessel a Swede or a Dane than an American citizen. Even their own doctrine goes to assert a right to seize none but their own subjects. I ask, now, whether the impression made by the gentleman from New York was a just one? Whether it does not appear probable that at least one thousand of those contained in this list were impressed without even a plausible pretext? But if in a single statement I make out a result so variant from the statement of the gentleman, I beg you and the public to test the other statements

of the gentleman in the same way. Not, sir, that the gentleman made the statement with any unfair intention, for no man is more honorable or correct—he has my highest esteem—but, it will show how liable we are to err—nay, how prone we are to err when our feelings and habit of thinking run with our argument. So much for impressment. It is an abuse such as cannot be tolerated by an independent nation. It is one which ought to be resisted by war.

The question was then taken on the passage of the bill, and decided in the affirmative—For the bill 77, against it 42, as follows:

YEAS.—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findlay, James Fisk, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lytle, Thomas Moore, William McCoy, Samuel McElrea, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormaby, Israel Pickens, James Pleasants, jun., Benjamin Pond, William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., William Widgery, and Richard Wynn.

NAVS.—John Baker, Abijah Bigelow, Hermanns Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, James Milnor, Jonathan O. Mosely, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson.

Ordered, That the title be, "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes.'"

FRIDAY, January 15.

*Land claims in Missouri Territory—Confirmation of private claims—Pre-emption.*

Mr. HEMPSTEAD observed, that he had certain resolutions to submit, on which, as they were somewhat in detail, he would ask the liberty to make a few remarks. Under the second section of the first act for adjusting land claims in the Territory of Louisiana, (now Missouri,) each ac-

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tual settler was entitled to six hundred and forty acres of land, together with such other and further quantity as heretofore had been allowed for the wife and family of such actual settler, agreeably to the laws, usages, and customs of the Spanish Government. A majority of the Board of Land Commissioners in that Territory were, under that section, so liberal in their grants, that it excited the alarm of Government. This alarm, sir, was soon transferred to the people, and has continued ever since; because a majority of the Board passed from one extreme to the other, and granted, in many instances, only one hundred, one hundred and fifty or two hundred arpens, where they had before granted seven or eight hundred arpens. The grants for the smaller quantities are contained in the lists of grants, and being final against the United States, would never come before Congress, unless upon petitions from individual claimants. Other boards of Commissioners, acting under the same law, have granted to the actual settler in every instance, when the law had been complied with, six hundred and forty acres; and it would seem to me, sir, that the people of the Missouri Territory are entitled to the same justice.

The second resolution is to provide as well for rejected claims, in which no testimony has been adduced, as when testimony has been received; and to prevent individual claimants from loading our table with petitions. The mode pointed out will present all claims to Congress at one time. With these observations I shall submit the resolutions for the sanction of the House:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing, in favor of the claimants, the re-examination of the grants of land made by the board of Commissioners for ascertaining and adjusting the titles and claims to land in the district of Louisiana, under the second section of the act, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana," passed the 2d of March, 1805; and also the grants made by the Recorder of Land Titles for the Territory of Missouri, under that part of the third section of the act, entitled "An act further providing for settling the claims to land in the Territory of Missouri," passed the 18th of June, 1812, which provides for settlement of donation rights in all cases where the quantity of land granted is less than six hundred and forty acres; and that said committee have leave to report by bill, or otherwise.

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing the Recorder of Land Titles for the Territory of Missouri to receive testimony in all the claims to land in which none has been adduced, and which are rejected in the report made by the late board of Commissioners for ascertaining and adjusting the titles and claims to land in the then district of Louisiana, now Territory of Missouri; and, afterwards, to arrange into classes, according to their respective merits, as well the claims embraced by

this resolution, as the other rejected claims mentioned in said report, and made abstracts containing the substance of the evidence in support of such claims, and such other information and remarks as may be necessary to a proper decision thereon, and report on said claims to the General Commissioner of the Land Office; and that said committee have leave to report by bill, or otherwise.

*Resolved*, That said committee be instructed to inquire into the expediency of granting the right of pre-emption to actual settlers on the public lands in the said Territory of Missouri; and that said committee have leave to report by bill, or otherwise.

The resolutions were then agreed to.

MONDAY, JANUARY 18.

Two other members, to wit: from Massachusetts, PELEG TALLMAN; and from Pennsylvania, WILLIAM PIPER, appeared, and took their seats.

*Encouragement to Privateer Captures.*

The House resolved itself into a Committee of the Whole on the bill "relating to captures."

[The bill provides that compensation shall be allowed to the officers and crews of our public vessels, for vessels of the enemy necessarily destroyed at sea after their capture.]

Mr. BASSETT stated to the House the considerations by which the Naval Committee had been induced to report this bill. It grew more immediately out of the case of the *Guerriere* destroyed by the Constitution—a case precisely in point. Such a principle as that which the bill proposed, he believed, had been engrafted in the British service. It was at least required by equity and sound policy, where the public service required the destruction of a vessel for fear of re-capture by the enemy in its disabled state, that some compensation should be made to the captors in lieu of that which would have accrued from the sale of the vessel had it been brought into port.

Mr. H. CLAY (Speaker) spoke in opposition both to the principles and details of the bill. He was disposed to believe the principle unprecedented in any other country; but even if it were not, he thought it ought not to exist in this country. It would have the effect to make it the interest of the captor, unless the vessel should be immediately on the coast, or in the very mouth of our rivers, to destroy the captured vessel. On consulting the underwriters, gentlemen would find the premium required on bringing in a vessel of any description from any considerable distance, would be equal to one-half her value; and, as proof of it, Mr. C. instanced the high insurance even from Charleston and New Orleans, along our own coast, to a northern port. The strongest possible temptation would, therefore, be offered by giving half the value of the destroyed vessel to the captors in case of her destruction. Mr. C. moved to strike out the first section of the bill.

Mr. BASSETT replied to Mr. CLAY, and de-

fended the bill, on the ground of expediency and of precedent. In the British nation, he said, rewards were always liberally bestowed on skill and valor, and they must always be by every country that wishes to encourage these qualities in its citizens. The principle did exist in the British service, not by statutory, but by admiralty regulations; and in all such cases rewards had been liberally dispensed.

Mr. BACON opposed the bill as inexpedient and unprecedented. To show that it went beyond the British legal provisions in that respect, he quoted a statute of that nation which allows to the captors of vessels so destroyed, as the bill contemplates, a bounty of five pounds for every man found alive on board said captured vessels, the aggregate to be equally distributed among the crew of the captors. Further, he believed, that Government had not gone.

Mr. CHEVES on this remarked, that every encouragement was afforded to British naval officers, by their Government, as well by promotions to higher office and to nobility, &c., which were not known in this country, as by pecuniary rewards and pensions, not in all cases by statutory, but by Executive sanctions. He was disposed to be liberal to our officers, to foster our rising navy. But, though friendly to the principle, he objected to the particular details of the bill, which he thought susceptible of modifications which would be better made in select committee than in the House. He, therefore, moved that the committee rise.

Mr. QUINCY objected to the principle of the bill, which he thought fundamentally questionable. He was for providing specially by statute for each case after its occurrence, where the circumstances of the case required an exercise of liberality by Congress, and to legislate generally for future occurrences.

The committee then rose, reported progress, and were refused leave to sit again; and,

On motion of Mr. CHEVES, the bill was re-committed to the Naval Committee.

TUESDAY, January 19.

#### *Privateer Pensions.*

The House then resolved itself into a Committee of the Whole, on the bill regulating pensions to persons on board private armed ships.

[This bill directs that the two per cent. reserved in the hands of consuls and collectors, in pursuance of an act of June last, respecting private armed vessels, &c., be paid into the Treasury, to constitute a fund for pensions to persons disabled on board private armed vessels, of the mode and degree of which disability the log book of each vessel is to be evidence.]

Mr. BURWELL moved to strike out the vital section of the bill, with a view to try the principle. In support of the motion, he remarked that he conceived it improper to adopt a prin-

ciple so extremely liable to abuse as this, especially when pensions had been refused to at least equally meritorious sufferers during the Revolution. The evidence which the log book of a vessel would afford, would be so very liable to error, and so indefinite, as not to be entitled to that conclusive weight given to it by the bill. The proper course, he conceived, would be, to leave the subject open to the annual disposition of Congress; which was now the case with certain other pensions.

Mr. BASSETT stated, in reply, that, at the last session, two per cent. having been reserved from the wages of the seamen on board private armed vessels, for the avowed and declared purpose of constituting a fund for pensions to the wounded, this bill now merely indicated the mode of carrying this provision into effect. The money had been reserved by the collectors and consuls, and as it was never the intention of Congress to make them a present of it, it remained for Congress to direct the mode of its distribution. If the principle was incorrect, it ought to have been objected to when the pledge was given by the House last session on the subject.

The question on striking out the section was negatived by a very small majority; and the committee rose and reported the bill.

Mr. STOW made a motion going to confine the pensions allowed by the bill to such as should be disabled in actual service, and spoke in support of his motion.

Mr. McKIM opposed the motion. The services rendered by the privateers were valuable to the country and ought to be encouraged. The duties on prize goods, he said, brought into the port of Baltimore alone, had amounted to three hundred and fifty-four thousand dollars. This showed the importance of this system in a pecuniary point of view.

Mr. STOW questioned the benefit rendered to the public interest by privateering, and said he was in favor of letting this fund accumulate, and first see whether there was sufficient to pension those having received known wounds in action, before they agreed to extend it to all casualties on board private armed vessels.

Mr. LITTLE asserted the utility of privateers and their efficiency as a means of annoying the enemy. He bore testimony to the bravery they had displayed in all conflicts with the enemy, and to the injuries they had inflicted on his commerce. The enterprising individuals concerned in it ought to be encouraged; for, by the impediments to the prosecution of their enterprise, many had been already discouraged and had dismantled their vessels. If properly encouraged, they would scour every sea, however distant, and ransack every port and harbor in search of the enemy. He was in favor of exhibiting the most liberal disposition towards them.

Considerable further debate took place on the amendment, which was at last agreed to by a very small majority.

Mr. RHEA subsequently moved to recommit

the bill to the same committee which reported it, for the purpose of amendment; and the bill was recommitted.

WEDNESDAY, January 20.

*Astronomical Observatory.*

Mr. MITCHELL, from the committee to whom was referred the memorial of William Lambert, and the report made thereon by the Secretary of State at the last session, presented a bill authorizing the establishment of an Astronomical Observatory; which was read twice, and committed to a Committee of the Whole on Friday next.

The report is as follows:

On the 27th December, 1809, Mr. Lambert addressed the House of Representatives upon the expediency of establishing a first meridian for the United States at their permanent seat of Government. This was ordered for consideration to a select number of gentlemen, who, on the 28th March, eighteen hundred and ten, laid upon the table an able and learned opinion, accompanied with scientific calculations illustrative of the object. They concluded their investigation by recommending that provision should be made, by law, for determining, with the greatest accuracy, the distance between the City of Washington and Greenwich in England, and that the proper instruments should be procured.

Afterwards, on the 23d January, 1811, the memorial was referred to a select committee; and, on the 23d of the ensuing February, that committee was discharged, and the memorial referred to the Secretary of State for his consideration.

Conformably to the desire of the House, that officer wrote to the Speaker a letter which, after having been read, on the third day of July, 1812, was ordered to lie on the table. That letter was, on the 8th December last, ordered to the present committee, who have diligently weighed the matters which it contains.

It is their opinion that astronomical observations are highly useful to a navigating and commercial people, already eminent for their progress in science and the arts, and who are laboring for the completion of their national dignity and splendor.

The most ready method of obtaining the information to be derived from noting the phenomena of the heavens, is by the establishment of an observatory. This may be erected at the city of Washington. By such an institution, means may be adopted not only to fix the first meridian, but to ascertain a great number of other astronomical facts and occurrences through the vigilance of a complete astronomer.

THURSDAY, January 21.

The House met with closed doors; and, after being opened, another member, to wit, from New York, PETER B. PORTER, appeared, and took his seat.

FRIDAY, January 22.

*Encouragement to Privateers.*

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means on the petitions of Joshua Barney and Stephen Kingston.

The resolution, reported by the Committee of

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Ways and Means, "that it is inexpedient to legislate upon the subject of the petitions," was disagreed to; and the following was reported to the House as a substitute thereto:

"Resolved, That any right or claim of the United States to British property which may have been captured by American privateers, arising from forfeiture under any provision of the non-importation acts, ought to be relinquished for the benefit of the captors."

The question on the original resolution was also disagreed to by a vote of the House. For disagreeing 61, against it 47.

And the resolution proposed in Committee of the Whole as a substitute, was, as stated above, agreed to; and was referred to the Committee of Ways and Means to bring in a bill in pursuance thereof.

*Impressed Seamen.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I transmit, for the information of Congress, copies of a correspondence between John Mitchell, Agent for American Prisoners of War at Halifax, and the British Admiral commanding at that station.

I transmit for the like purposes copies of a letter from Commodore Rodgers to the Secretary of the Navy.

JANUARY 22, 1813.

JAMES MADISON.

*Extract of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to the Secretary of State, dated*

"DECEMBER 5, 1812.

"I cover you a copy of a correspondence, which took place in consequence of different applications I received, either by letter or personally, from persons detained on board His Britannic Majesty's ships of war in this place.

"I formerly mentioned to you that the Admiral had assured me that he would discharge all the citizens of the United States who were in the fleet, and actually did discharge several. This induced me to think I should be correct, and in the perfect line of my duty, in sending him a list of the applicants to me, and requesting an inquiry to be made, and discharges granted to all who were citizens of the United States; I, therefore, covered him a list of the names now enclosed to you, which produced his letter to me of the same date, (December 1, 1812.)

"I read it with surprise, because some of the men had informed me their captains had refused to report them to the Admiral. Now, if no one here was, or is, allowed to do it, their situation is hopeless.

"It is not my place, sir, to reason with you on this business. *Proof of Nativity*, in his first letter, is a strong expression; and how few are in possession of it, and how many who cannot obtain it.

"The second paragraph, in the second letter, prevents my interfering; and I have since been obliged to send a man away, requesting him to apply to his commanding officer."

*Copy of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to Sir John Borlase Warren, dated*

DECEMBER 1, 1812.

SIR: Since the sailing of the last cartels, in which

H. OF R.]

Treasury Notes.

[JANUARY, 1813.]

you were pleased to send home several Americans, who had been in His Britannic Majesty's service, others who are now on board of the Centurion and Stairia have requested of me to procure their discharge, and to be sent home.

Will you, sir, have the goodness to direct an inquiry, and order the release of such as are citizens of the United States?

Besides the enclosed list, I am told there are others whose names I have not.

I have the honor to be, &c.,

JOHN MITCHELL, *Agent.*

*Copy of a letter from Admiral Sir John Borlase Warren, to John Mitchell, Esq., Agent for American Prisoners of War at Halifax, dated*

DECEMBER 1, 1812.

SIR: I have the honor to acknowledge the receipt of your letter of this date, respecting some men, therein mentioned, on board His Majesty's ships under my command, said to be citizens of the United States, and in reply, beg to acquaint you, that whenever I have received representations from the captains of His Majesty's ships of any part of their crews being citizens of America, with sufficient proof of their nativity, I have directed their discharge from the service.

I must observe to you that I cannot permit the interference of any applications from men belonging to His Majesty's ships, but through their commanding officers: and in your department, of prisoners of war only, I shall at all times be most happy to receive your communications.

I have the honor to be, &c.,

JOHN B. WARREN.

*Copy of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to Admiral Sir John Borlase Warren, dated*

DECEMBER 3, 1812.

SIR: I had yesterday the honor to receive your letter, dated the 1st instant, in which you observe that you cannot permit the interference of any application from men on board of His Britannic Majesty's ships of war, but through their commanding officers.

Desirous of conforming as far as possible to established regulations, permit me the honor to inquire of your Excellency, if by your letter I am to understand that I am not to receive the applications of seamen declaring themselves citizens of the United States, who are on board of His Majesty's ships of war, and communicate the same to you? If this is the meaning, I shall most certainly conform, though I must lament the regulation.

I have the honor to be, &c.,

J. MITCHELL, *Agent, &c.*

*Copy of a letter from Admiral Sir John Borlase Warren, to John Mitchell, Esq., Agent for American Prisoners of War at Halifax, dated*

DECEMBER 4, 1812.

SIR: In reply to your letter, dated yesterday, I have to acquaint you that whenever any address is made relative to men on board His Majesty's ships, it must be by the commanders of such vessels direct.

I cannot permit any application by other persons in time of war, but in the above mode.

It will always afford me pleasure to attend to your wishes in any respect relative to the situation or ex-

change of prisoners, or to afford any aid or relief in my power. I have the honor to be, &c.,

JOHN B. WARREN.

*From Commodore Rodgers to the Secretary of the Navy.*

U. S. FRIGATE PRESIDENT,  
BOSTON, Jan. 14, 1813.

SIR: Herewith you will receive two muster books, of His Britannic Majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how illy such an assertion accords with their practice.

It will appear by these two muster books that so late as August last, about an eighth part of the Moselle and Sappho's crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any American has yet had an idea of.

Any further comment of mine on this subject, I consider unnecessary; as the enclosed documents speak but too plainly for themselves. I have the honor to be, &c.,

JOHN RODGERS.

HON. PAUL HAMILTON, *Secretary of the Navy.*

The Message and documents were read, and referred to the Committee of Foreign Relations.

TUESDAY, JANUARY 26.

*Treasury Notes.*

On motion of Mr. CHEVES, the House resolved itself into a Committee of the Whole on the bill reported by the Committee of Ways and Means authorizing the issuing of Treasury notes for the service of the year 1812.

[The bill authorizes the President of the United States to cause to be issued Treasury notes to the amount of five millions of dollars, and also, if he shall deem it expedient, to issue a further amount, not exceeding five millions of dollars, provided the amount issued under the latter provision shall be deemed and held to be in part of the loan of sixteen millions of dollars authorized by the bill passed this day. The notes to bear interest at the rate of five and two-fifths per cent. per annum, to be redeemed one year after the day on which they are respectively issued.]

The bill having been read through by sections, and no objection having been made thereto, the committee rose and reported it.

The bill was ordered to be engrossed for a third reading without division; and then the House adjourned.

FRIDAY, JANUARY 29.

A new member, to wit, from New York, THOMAS P. GROSVENOR, elected to supply the vacancy occasioned by the resignation of Robert Le Roy Livingston, appeared, produced his credentials, was qualified, and took his seat.

JANUARY, 1812.]

Territory of Missouri.

[H. OF R.]

*Grant to Daniel Boone.*

Mr. HEMPSTEAD, from the committee to whom were referred the petition of Daniel Boone, and the resolutions of the Legislature of Kentucky in his behalf, made a report; which was read twice, and committed to a Committee of the Whole on Monday next.

*Territory of Missouri.*

Mr. McKEE, from the select committee which was directed to inquire into the propriety of amending the act for the government of the Missouri Territory, reported against any amendment. The report is as follows:

That they have had the subject to them referred under their consideration, and have examined the act above recited. The principal difficulty suggested to the committee, occurring in the execution of the law, appears to relate to the election of a delegate to represent the interest of the Territory in the Congress of the United States. By the first clause of the 6th section of the act it is provided "that the House of Representatives shall be composed of members elected every second year, by the people of the said Territory, to serve for two years." By the 18th section of the said act it is also provided "that the citizens of the said Territory entitled to vote for Representatives to the General Assembly thereof, shall, at the time of electing their Representatives to the said General Assembly, also elect one delegate from the said Territory to the Congress of the United States." It also appears that an election was held in pursuance of the act on the second Monday of November last, when a delegate was elected. It appears that doubts have been entertained whether the delegate thus elected can legally hold his seat after the 8d day of March next, and an alteration of the law has been suggested as necessary to obviate the difficulty. It seems to the committee that the first clause of the 6th section, and the 18th section of the act, taken together, leaves no room for doubt, but evidently fixes the period for which the delegate may hold his seat at two years from the second Monday of November last; and it follows, as a necessary consequence, that the delegate elected in pursuance of the law, and for the term of two years, cannot be deprived of his right to a seat by any subsequent law.

It also appears to the committee that the Territorial Legislature are furnished, by the 7th section of the act, with competent power to change the time of holding elections so as to obviate any difficulty that may occur in the subsequent elections of a delegate.

The committee, therefore, recommend the following resolution:

*Resolved*, That the act entitled "An act providing for the government of the Territory of Missouri," requires no amendment.

*By Benjamin Howard, Governor of the Territory of Louisiana, Commander-in-Chief of the Militia thereof, and Superintendent of Indian Affairs, in and over the same:*

A PROCLAMATION.

In discharge of those duties enjoined on the Governor of this Territory by an act of the Congress of the United States of America, approved the 4th of June, 1812, entitled "An act providing for the government of the Territory of Missouri," I have made the following arrangements, preparatory to the new

organization of Government to be instituted by the said act, and which will commence its operation on the first Monday in December next; that is to say;

I have divided the future Territory of Missouri into five counties, excluding from the civil jurisdiction of each of said counties any tract or tracts of country which may fall within their respective general limits, as hereinafter set forth, the Indian title to which may not have been extinguished.

That portion of territory situated north of the Missouri River, and usually known by the name of the Forks, as lying between that river and the river Mississippi, shall compose one county, and be called the county of St. Charles.

That portion of territory bounded by the Missouri river on the north; by the Mississippi on the east; on the south by the Platin creek, from its mouth to its source; thence by a west line to the Missouri river, or to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Osage purchase, shall compose one other county, and be called the county of St. Louis.

That portion of territory bounded by the county of St. Louis on the north; on the east by the Mississippi; on the south by Apple creek, from its mouth to its source; thence by a due west line to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Osage purchase, shall compose one other county, and be called the county of St. Genevieve.

That portion of territory bounded on the north by the south limit of the county of St. Genevieve; east by the Mississippi; west by the western boundary of the Osage purchase; and south by that line which formerly separated the commanders of Cape Girardeau and New Madrid, and known more recently as the boundary between these two districts, shall compose one other county, and be called the county of Cape Girardeau.

That portion of territory bounded north by the south limit of the county of Cape Girardeau; east by the Mississippi; south by the 38d degree of north latitude, (the southern boundary of this Territory as settled by act of Congress;) west by the western boundary of the Osage purchase; and from the southern extremity thereof to the 38d degree of north latitude aforesaid, shall compose one other county, and be called the county of New Madrid.

And I do hereby make known and declare that elections of Representatives, to serve in the General Assembly of the future Territory of Missouri, shall be holden throughout the Territory, on the second Monday of November next, at the respective seats of justice of the present districts, which are hereby declared to be the seats of justice for the several future counties respectively except that the town of New Madrid shall be the seat of justice of the future county of New Madrid, which said future county will comprehend the present districts of New Madrid and Arkansas; to wit: at the town of St. Charles for the future county of St. Charles, at which time and place there will be chosen for the said county two Representatives. At the town of St. Louis for the future county of St. Louis, at which time and place there will be chosen four Representatives. At the town of St. Genevieve for the future county of St. Genevieve, at which time and place there will be chosen for the said county three Representatives. At the town of Cape Girardeau for the future county of Cape Girardeau, at which time and place there will be chosen for the said county two Representatives.

And at the town of New Madrid for the future county of New Madrid, at which time and place there will be chosen for the said county two Representatives.

And I do, moreover, make known and declare that on the said second Monday of November next, an election will also be holden, at the several seats of justice aforesaid, for a Territorial delegate to the Congress of the United States. And I do enjoin and require that these elections be holden by the sheriffs of the present districts, or in their absence, or inability to act, by the coroners respectively; that the said sheriffs or coroners shall take the polls of those qualified to vote; that the clerks of the courts of the present districts, or their deputies, shall respectively write down the names of the voters in a fair and legible manner, and that the presiding judges of the courts of the present districts respectively, or in case of absence, or inability to act, the next in commission shall attend, and be judges of the qualification of the voters; that the said elections shall be opened at the respective seats of justice aforesaid, at or before 9 o'clock in the morning of the said second Monday of November, and close at sunset of that day.

And the sheriffs or coroners respectively, after having caused the process-verbal of said polls to be signed by the clerks or their deputies, who may have respectively committed the same to writing, and countersigned by the judges respectively who may have attended the elections, will themselves certify the same, explicitly stating, at large, the names of the persons elected as Representatives, and the name of the person having the greatest number of votes as a delegate to Congress, and make immediate return thereof to the Governor of the Territory.

And I do, lastly, enjoin and require, that the Representatives of the several future counties, so as aforesaid to be elected, do convene in the town of St. Louis on the first Monday in December next, as provided by the act of Congress aforesaid.

In testimony whereof, I have caused the seal of the Territory of Louisiana to be hereunto affixed. Given under my hand, at the town of St. Louis, the first day of October, in the year of our Lord one thousand eight hundred and twelve, and of the independence of the United States of America the thirty-seventh.

BENJAMIN A. HOWARD.

For the information of the people who are called on to decide the right of suffrage by the Governor's proclamation, we have inserted below that part of the law which defines the qualification as well of the Representative as of the voter.

"No person shall be eligible or qualified to be a Representative, who shall not have attained to the age of twenty-one years, and who shall not have resided in the Territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States, or an office of profit under the Territory, shall be a Representative. In case of vacancy, by death, resignation, or removal or otherwise of a Representative, the Governor shall issue a writ to the county wherever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States above the age of twenty-one years, who have resided in said Territory twelve months next preceding an election, and who shall have paid a territorial or county

tax, assessed at least six months previous thereto, shall be entitled to vote for Representatives to the General Assembly of said Territory."

The report was ordered to lie on the table.

#### *Arming and Classing the Militia.*

The House resumed the consideration of the bill supplementary to the act for arming the militia, and for classing the same.

Mr. FERRIS moved to strike out all that part of the bill which provides for the classing the militia of the United States.

Mr. ELY said that he was totally opposed to the classification of the militia; that it had been pressed upon us from year to year, by gentlemen from the Southern section of the Union, he knew not why; that he thought the effects of the measure in rendering the militia efficient, for constitutional purposes, were very trifling and unimportant. From some cause or other, the militia in the Southern States are very little improved, and gentlemen seemed to imagine that classification was to supply the place of arms, of organization, of discipline, of every thing. This would not prove to be the case. He said that the laws heretofore made had proved in the Northern States, particularly in Massachusetts, abundantly sufficient to answer all the purposes of forming an efficient militia; but they have been followed up by State regulations which had been enjoined by penalties sufficiently severe. These, he had understood, had been in a great measure neglected in the South, and this was the reason that the militia were so imperfect; and if the States would not enforce those laws, he had no idea they would enforce this. The sums expended on the militia in Massachusetts, both from the public treasury and by private individuals, is very great—that State has furnished more than sixty artillery companies, with their pieces, ammunition carriages, and every thing appertenant to them, complete; the artillery and cavalry are completely uniformed and equipped, and are required so to be by law; for the greater part, the infantry are in uniform complete, are well armed, and are equal in all respects to any militia in the world. That this classification would add to their burdens, and they had already burdens enough; that it would be an insidious thing, and so considered by the militia, and go to destroy the harmony of the militia corps. That if gentlemen in the South thought it would be useful, let their State governments, who were the best judges, adopt as much of it as they pleased. No one would object to that, if they did not interfere with existing regulations. All will acknowledge that the State Governments have it in their power, and it has been, in some form or other, exercised by some of the States, and particularly by Pennsylvania—this measure will interfere with their favorite mode. He said he was disposed to have the militia in the South improved, but he prayed gentlemen not to adopt a measure calculated to injure one part of the militia, more than it



FEBRUARY, 1818.]

*Constitution and Guerriere.*

[H. OF R.]

would benefit the other; he hoped the provisions for classing the militia would be stricken out of the bill.

Mr. WILLIAMS and Mr. STOW opposed the motion.

The question was decided by yeas and nays: For striking out 58, against it 65.

The bill was then ordered to be engrossed for a third reading.

SATURDAY, January 30.

A new member, to wit, from North Carolina, WILLIAM KENNEDY, elected to supply the vacancy occasioned by the death of Gen. Thomas Blount, appeared, was qualified, and took his seat.

*Constitution and Guerriere.*

The engrossed bill providing compensation to Captain Hull, and the officers and crew of the frigate *Constitution*, for the capture and destruction of the British frigate *Guerriere*, was read a third time.

[The bill authorizes a grant of \$50,000.]

Mr. McKEE opposed the passage of the bill, on the ground that the President has no authority to expend the public money in gratuitous grants to individuals.

Mr. SAWYER stated, that he wished to make some remarks in reply to Mr. McKEE, but, from the lateness of the hour, and an indisposition with which he was oppressed, it was not now in his power. He therefore moved an adjournment, which was carried—ayes 54.

MONDAY, February 1.

Mr. SEAVEY presented a petition of Benjamin Waterhouse, medical doctor, of Boston, stating that he is willing, and wishes to undertake the inoculation of the army of the United States with the "kine-pock inoculation," and praying the aid and patronage of Congress in that undertaking.—Referred to the Committee on Military Affairs.

*Constitution and Guerriere.*

The House resumed the order of the day on the bill making compensation to the officers and crew of the *Constitution* for the destruction of the frigate *Guerriere*. The bill being on its third reading—

Mr. SAWYER spoke in support of the bill, and in reply to Mr. McKEE.

Mr. DAWSON.—Mr. Speaker: The bill which is now on your table, and which I hope will soon receive your signature, was drawn from a resolution, or rather the part of a resolution which I had the honor to offer you at the very commencement of the session.

When I offered you that resolution, I did hope, and I did believe, that it would have received the immediate attention and unanimous approbation of this House; that regardless of those punctilios which too often shackle the

best intentions, and do injury to the best causes, and in compliance with the sentiments and feelings of the nation, we should have immediately expressed our own, thereby giving force to that expression, and have rendered that tribute which is justly due to undaunted valor, and to modest merit; that we should have declared our admiration, and the high sense we entertain of the gallant conduct of the defenders of their country's flag, and the defenders of her rights, and while we gave to some testimonials of our approbation, we should have yielded to all that which is justly due.

In this expectation I have been woefully disappointed; doubts, difficulties, and delays have taken place; commitment has succeeded commitment, and so many amendments, or rather alterations, have been made to the original resolution, that I can scarcely call it my own; it has received the fostering care of so many step-fathers that I am almost constrained to disown it as illegitimate; but as it is natural to protect that which we call "our own," although all the features do not please us, so I shall vote for that bill although all its provisions do not please me.

Some gentlemen, with a liberality which I neither envy, nor shall I imitate, are willing to load those brave tars with all the praise, with all the applause, which the pride of language can bestow, or which a resolution written on paper gilded with gold can confer; and, becoming their own judges, they think *that* ample compensation for all the hardships they have suffered, for all the dangers they have encountered, for all the wounds they have received. With all the respect which I feel for these honorable gentlemen, and the high value which I set on their good opinion, I do not think it ample compensation to the brave and indigent tars who have boldly fought your battles, and generously sacrificed their interest for your good; they merit some more substantial stuff than air; they have acquired for you, sir, they have given to your enemy, something more substantial.

Others there are, who are well pleased to bestow on the brave officers who have distinguished themselves, some testimonials of our approbation—some insignia of their merit. With these gentlemen I most perfectly agree, and most cordially voted in favor of the bill for that purpose. But, while I remember the gallant captain who proudly steps the quarter-deck, I will not forget the sailor boy, "who whistles o'er the lee," or the aged mariner who fathoms the deep, and on whom, when the battle rages, danger has no more effect than the foaming surge which surrounds him has on the hard rock, when it dashes and breaks against its side; they all, sir, are entitled to your applause and gratitude; they all demand your justice; and to render that justice is the object of the bill now on your table, as I will presently show, and which had it passed at an earlier period of the session, as I did expect it would,

your "Constellation" would not have lain for weeks within your view for the want of men, and is still, I believe, in your waters, but would long since have been at sea, and would have added new trophies to those already won.

The Secretary of the Navy, I mean the late Secretary, in whose veracity and integrity I have the highest confidence, who carries to his retirement the best wishes of my heart, and under whose auspices this gallant exploit was achieved, and Commodore Hull, whose disinterestedness seems only equalled by his valor, have informed us that "the Guerriere" when she went into action was worth two hundred thousand dollars, and that she had articles on board to the value of one hundred thousand dollars. She was one of the finest frigates in the British navy, well manned, and commanded by one of their most experienced and gallant captains! This ship, our frigate, "the Constitution," of equal force, attacked, vanquished, and captured, after a short, though one of the most brilliant actions recorded in the naval history of any country; thereby giving certain presages of future glory, and a character to our rising navy, coeval almost with its existence, and setting an example which other officers and crews, equally emulous of fame, have since imitated, and have obtained the same laurels, which will never fade.

Agreeably to the act for the better government of the Navy of the United States, the ship, with all articles on board her, became their prize; they might have used it to their best advantage; they might have brought her into port, and divided the whole among themselves; but apprehensive that from the crippled state of the prize she might again fall into the hands of your enemy; nay, sir, that your own frigate might be endangered in protecting and conveying her, they with that liberality, with that magnanimity which marks the character of the sailor, determined to destroy her, thereby sacrificing their interest for your good.

And here, Mr. Speaker, let me ask what other class of men in our society can you find who would have acted thus nobly? I fear, sir, we shall search for them in vain. I am sure, sir, that we shall not find them among those who daily violate your laws, relieve your enemy of his surplus manufactures, or supply him with your provisions, and then come here and receive indemnification, remission for the crimes which they have committed.

And, sir, what is the mighty boon which these brave and indigent tars ask from you? or rather was it that I, in the name of justice, demanded for them?—it is one-sixth part in value of that property—of their property, which they have sacrificed for your good, rather than it should fall into the hands of your enemy.

And will you refuse it? No, you will not, you cannot, you dare not. You will not, because every consideration of policy, and the best interest of our country, forbid it; you cannot, because every feeling which ennobles the hu-

man heart, and I think I know your, forbid it; you dare not, because justice forbids it; and you dare not do an act so flagitious.

Mr. Speaker, during the very lengthy discussions which have taken place in this session, I have remained silent in my seat; this has not arisen from a supineness of disposition, or from an inattention to the public business, or the public welfare, but in the hope, that when gentlemen had exhausted all their eloquence, they would have permitted us to progress, and to place our country in the situation demanded by the crisis; and I should have indulged that disposition which I have to be silent, had not an attempt been made to deprive the brave and needy tars of that which is justly due to them; but under these circumstances I could not restrain my feelings, and have to regret that I cannot give to them that utterance which the occasion calls for.

[The argument against this bill was, that it would be setting a precedent which would be considered authoritative in future cases; that it was giving a donation for an act of duty only, though gallantly performed. It was rewarding a service, which, had it been rendered on land, would have received no remuneration, as experience had proved in the case of the Tippecanoe expedition; and that it was contrary to justice to confer pecuniary rewards on one class of our citizens in exclusion of others. In favor of the bill it was stated that the captured vessel, if she had been brought into port, would have produced six times the amount now proposed to be allowed to her; and that the captors ought not to incur a total loss from the destruction of the vessel, which the fear of her falling into the hands of the enemy had rendered necessary to the public service. It was urged, that if any city in the United States had to legislate on this subject, five times as much would have been awarded as is now proposed. All the gentlemen who spoke, offered the tribute of their respect to the gallantry and conduct of the officers and seamen of our public vessels.]

The question on the passage of the bill was decided in the negative—yeas 55, nays 59.

WEDNESDAY, February 8.

#### *Virginia Military Bounty Lands.*

The House then proceeded to consider the report of the Committee of the Whole on the report of the select committee touching the claims of the officers and soldiers of the Virginia line of the Revolutionary army to military bounty lands.

The question was then taken to concur with the Committee of the whole House in their disagreement to the resolution recommended by the select committee, which is as follows:

*Resolved*, That provision should be made for securing to the officers and soldiers of the Revolutionary army of Virginia, on State establishment, in the land or sea service of the said State, the bounty lands which were promised to them, either by a law or

resolution of the said Commonwealth, out of the lands not otherwise appropriated, and lying on the northwest side of the river Ohio, within the Virginia cession, to be of good quality, according to the true intent and meaning of the promises made on the part of Virginia, and that, if a sufficiency of good land within the meaning of the aforesaid engagement cannot there be found, that their bounties shall be satisfied out of any other public land of the United States, not heretofore otherwise appropriated:

And was determined in the affirmative—yeas 66, nays 41.

FRIDAY, February 5.

*Encouragement to Public and to Private Armed Privateers.*

On motion of Mr. McKIM,

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of relinquishing, in favor of the officers and crews of the public armed ships of the United States, a greater portion of the value of prizes than they are now by law entitled to; and, also, to inquire into the expediency of providing further encouragement to equipping and employing private armed vessels of war against the ships and commerce of the enemy; and that the committee have leave to report by bill, or otherwise.

WEDNESDAY, February 10.

A message was received from the Senate informing the House that, owing to the indisposition of Mr. GALLARD, the Senate have appointed Mr. FRANKLIN the teller, on their part, at the counting of the votes of the Electors for President and Vice President of the United States.

*Counting of Electoral Votes.*

The hour of 12 having arrived, the Senate entered the Hall of Representatives, preceded by their President, Secretary, Sergeant-at-Arms, and Doorkeeper, and proceeded to seats prepared for them—the members of the House having risen to receive them, and remaining standing until all had entered. The President of the Senate took a seat which had been prepared for him at the Speaker's right hand, and the Secretary of the Senate was placed beside the Clerk of the House. The Tellers—Mr. FRANKLIN of the Senate, and Messrs. MACON and TALLMADGE of the House—were seated at a table in front of the Speaker's chair.

The President of the Senate then proceeded to open and hand to the Tellers the sealed returns from each State, which were severally read aloud by one of the Tellers, and noted down and announced by the Secretaries of each House.

The votes having all been opened and read, the following result was announced from the Chair, by the President of the Senate, viz:

STATES.	President.		Vice President.	
	James Madison.	De Witt Clinton.	Elbridge Gerry.	Jared Ingersoll.
New Hampshire	-	-	1	7
Massachusetts	-	22	2	20
Rhode Island	-	4	-	4
Connecticut	-	9	-	9
Vermont	8	-	8	-
New York	-	29	-	29
New Jersey	-	8	-	8
Pennsylvania	25	-	25	-
Delaware	-	4	-	4
Maryland	-	6	6	5
Virginia	25	-	25	-
North Carolina	15	-	15	-
South Carolina	11	-	11	-
Georgia	8	-	8	-
Kentucky	12	-	12	-
Tennessee	8	-	8	-
Ohio	7	-	7	-
Louisiana	3	-	3	-
Total	128	89	181	86

RECAPITULATION OF ELECTORAL VOTES.

*For President of the United States.*

JAMES MADISON, of Virginia,	128
DE WITT CLINTON, of New York,	89
	<u>217</u>

*For Vice President of the United States*

ELBRIDGE GERRY, of Massachusetts,	181
JARED INGERSOLL, of Pennsylvania,	86
	<u>217</u>

The President of the Senate, in pursuance of the joint resolutions of the two Houses, then announced the state of the votes to both Houses of Congress, and declared "That JAMES MADISON, of the State of Virginia, was duly elected President of the United States, for four years, to commence on the fourth day of March next; and that ELBRIDGE GERRY was duly elected Vice President of the United States, for the like term of four years, to commence on the said fourth day of March next."

The two Houses then separated, and the Senate returned to their Chamber.

THURSDAY, February 11.

A message from the Senate informed the House that the Senate have appointed a committee, on their part, to join such committee as this House may appoint on their part, to wait upon the President of the United States, and to inform him of his re-election, for four years, to commence on the fourth day of March next.

The House resumed the consideration of the bill excluding foreign seamen from the service of the United States.

Mr. PITKIN's motion to strike out the first section of the bill, for the purpose of inserting a proposed amendment, being still under consideration, considerable discussion took place on it, but it was eventually withdrawn to give way to the following motion.

Mr. RIDGELY moved to strike out of the first section all the words in brackets, as follows :

Sec. 1. *Be it enacted, &c.,* That from and after the termination, by a treaty of peace, of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ as seamen, or otherwise, on board of any public vessel of the United States, or of any vessel owned by citizens of the United States, or sailing under their flag, any person or persons, except natural born citizens of the United States, or citizens of the United States at the time of such treaty being made and concluded, [or persons who, being resident within the United States at the time of such treaty, and having previously declared, agreeably to existing laws, their intention to become citizens of the United States, shall be admitted as such within five years thereafter in the manner prescribed by law.]

After some conversation, the motion was negatived by yeas and nays—for it 40, against it 80.

SATURDAY, February 13.

*Encouragement for Privateering—Bounty for Prisoners.*

Mr. BASSETT, from the Committee on the Naval Establishment, made a report relative to the expediency of affording greater encouragement to privateering. The report is as follows :—

That, in relation to the first inquiry, they find that, by the British statutes of the 13th and 27th of George the Second, the whole prize of each and every public armed vessel is given to the officers and crews making the capture; and they find this principle published by British proclamation, in relation to the present war with the United States. The laws of the United States, vol. 3, page 360, direct that, if a capture be made by an American public armed vessel, of equal or superior force, the capturing vessel shall have the whole; in all other cases of capture, one-half is distributed to the officers, and the other half is paid to the Commissioners of the Navy Pension Fund, pledged, first, for the payment of pensions, and the surplus to be disbursed for the comfort and benefit of seamen. This fund for Navy pensions amounts to something more than two hundred thousand dollars, yielding an annual interest of fifteen thousand dollars; and the amount of pensions is from seven to eight thousand dollars; leaving a yearly balance of seventeen thousand dollars in favor of the fund, and this without the addition of the prizes made this war, which are known to exceed one hundred thousand dollars, and will probably amount to two hundred thousand dollars, so as to double the fund; while only four persons have been added to the list by the war, to receive twenty-one dollars. From the above it appears, that, from the old pen-

sion list, the amount of pensions is little more than three per centum on the amount of prizes. Were five per cent. from the future prizes, to be added to this fund, on past experience it would promise an adequate sum for the payment of pensions. Your committee, however, concluded that it would not do to rely conclusively on past experience, and, on the ground of certainty, deemed it best for the fund to remain as established for another year, when more experience would give more confidence to the decision. As this report is intended to bring the subject under the view of the House, with the hope that it will not be lost sight of at the next session, it will be proper here to add, that, with some of the committee, the idea was entertained that ten per cent. should be withheld from distribution, viz.: five per cent. for the pension, and five for the navy hospital fund; in which not only the imbecility of decrepitude, but the imbecility of infancy should always find an asylum. On the other branch of the inquiry, your committee give their fullest attestation to the utility and importance of privateers. If, at other times and in other countries, the effect of individual exertion has been distrusted, the unexampled gallantry of our citizens, in that way, since the declaration of war, assures us that, with Americans, even the individual arm can make an efficient impression on the foe. The mode, however, of giving encouragement, they found not free from difficulty. As least liable to objection, they recommend that a bounty be paid for every prisoner brought in; and, that this proposition may be regularly before the House, they report a bill.

Mr. BASSETT, from the Naval Committee, then reported a bill allowing a bounty to privateers. [Allowing a bounty of — dollars for each person they bring in.] Twice read and committed.

*Additional General Officers.*

On motion of Mr. WILLIAMS, the House resolved itself into a Committee of the Whole on the bill authorizing the appointment of additional general officers in the Army of the United States.

[The bill provides for the appointment of — additional Major Generals, and — Brigadier Generals.]

The following letters from the Secretary of War were read :

ADJUTANT GENERAL'S OFFICE,

WASHINGTON, December 23, 1812.

SIR: Before I reply to your question, "how many major generals and brigadiers are necessary for an army of thirty-five thousand men?" it may not be amiss to state what is believed to have been the proportion of officers of these grades in the Revolutionary army, and what is understood to be the proportion, at this time, in European armies.

In the first army of the Revolution, raised in 1775, we had a commander-in-chief, four major generals, and eight brigadiers. In 1776, five brigadiers were promoted to the rank of major generals, and twenty-three brigadiers appointed. In 1777, six brigadiers were promoted to the rank of major generals, and three major generals and eighteen brigadiers appointed.

The loss of papers in the War Office, by fire, in 1800, renders it impossible to say, with precision,

at what particular periods many of these general officers left the service; but it is within my recollection that, on the 28th of June, 1778, fourteen major generals, and sixteen brigadiers, were actually in service of the United States. Yet, by referring to the official letters of General Washington, in 1778 and 1779, it will be seen that a further increase of general officers was often and warmly recommended.

The main army, under the immediate command of General Washington, it is believed, never amounted to thirty-five thousand men, and it is by no means certain that this number was ever in service at one and the same time, in the whole of what was designated "the continental army." Yet, at no period, between the first of May, 1777, and the close of the war, had we less than thirty general officers in service.

It was deemed necessary, in the Revolution, and it is understood to be the general practice in Europe, at this time, to have at least one brigadier general for every two thousand men, and one major general for every four thousand.

In this country we have never had a grade between the commander-in-chief and that of major general; hence it was found necessary, in the "continental army," to give to the senior major general the command of the right wing, and to the next in rank, that of the left, which, from the limited number of general officers, often left a division to a brigadier, a brigade to a colonel, and a regiment to a subordinate field officer; but, in Europe, this difficulty is obviated by the appointment of general officers of higher grades.

From the best information I have been able to obtain on this subject, I have no hesitation in saying that eight major generals, and sixteen brigadiers, to command the divisions and brigades of an army of thirty-five thousand men, is the lowest estimate which the uniform practice of France, Russia, and England, will warrant, and that this is much below the proportion of officers of these grades actually employed in the army of the Revolution.

As you have not required my opinion whether it be necessary to have a higher grade than that of major general, I have not deemed it proper to touch this subject, and have confined myself to the number of major generals and brigadiers deemed necessary to command the divisions and brigades of an army of thirty-five thousand men. It may not, however, be improper to remark that, if it is intended to have no higher grade than that of major general, their number should be increased to eleven; so as to give one for the chief command, one for each wing, and one for each division of four thousand men.

I am, sir, very respectfully, yours, &c.

T. H. CUSHING, *Adj't Gen.*

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, Feb. 10, 1818.

SIR: In reply to the letter you did me the honor to write to me, on the 5th instant, by direction of the Committee on Military Affairs, I respectfully submit the following opinions:

1st. That an increased number of general officers is essential to the public service. The number of regiments provided for by law, is, two of light dragoons, three of heavy artillery, one of light artillery, one of riflemen, and forty-five of infantry, making, together, fifty-two regiments.

The simplest organization is ever the best. Hence it is, that, as a regiment consists of two battalions, so a brigade should consist of two regiments, and a division of two brigades.

This sphere of command will be found in practice, sufficiently large. The management of two thousand men in the field, will be ample duty for a brigadier, and the direction of double that number will give full occupation to a major general. To enlarge the sphere of command in either grade would not be a mean of best promoting the public good.

Taking these ideas as the basis of the rule, and taking for granted, also, that our ranks are filled, the present establishment would require twenty-five brigadiers and twelve major generals. But the latter admission requires qualification, and, under existing circumstances, it may be sufficient that the higher staff should consist of eight major generals, and sixteen brigadiers.

The general argument, on this head, might be fortified by our own practice during the war of the Revolution, and by that of European nations at all times. Believing, however, that this view of the subject has been already taken by the adjutant general, in a late communication to you, I forbear to do more than suggest it.

2. The recruiting service would be much promoted, were the bounty in land commutable into money, at the option of the soldier, and at the end of his service. This modification would be addressed to both descriptions of men—those who would prefer money, and such as would prefer land.

I need hardly remark that bounties, at the close of service, have many advantages over those given before service begins. The former tie men down to their duty; the latter furnish, if not the motive, at least the means of debauch and desertion.

Another, and a public reason, for the preference, may be found in the greater convenience with which money may be paid at the end, than at the commencement of a war.

I have the honor to be, with great respect, &c.  
JOHN ARMSTRONG.

Hon. D. R. WILLIAMS,  
*Chairman Com. on Military Affairs.*

The bill authorizing the appointment of additional general officers in the Army of the United States, was then read a third time, and passed by yeas and nays: for the bill 95, against it 80.

MONDAY, February 15.

*Suspension of Non-Importation.*

Mr. CHEVES, from the Committee of Ways and Means, made the following report:—

The Committee of Ways and Means report: That they have deemed it to be their duty, that the public service may not suffer and that the public credit may be duly supported, to look beyond the ways and means of the present year, and to take into consideration the revenue which may be wanted for the year 1814. That an estimate of the probable amount of the revenue which will accrue under existing laws, and be receivable within that year, has been submitted to Congress in the Annual Report of the Secretary of the Treasury made during the present session. That, comparing the amount thereof with the sums which will probably be required by a prudent regard to the public credit, it appears to the committee in-

dispensably necessary to make a further provision; that this may be done by a partial suspension of the non-importation acts, which will not greatly lessen their injurious effects upon the enemy, by an additional duty on foreign tonnage, and by the imposition of internal taxes and duties: That, in their opinion, all these means will be necessary to supply the revenue which will be wanted: That it is impracticable, during the present session, consistently with a due attention to the other business of the nation, to enact the laws necessary to embrace the last-mentioned object; but that this may be done without difficulty and without a delay which will be injurious either to the public credit or the public service, by an earlier meeting of Congress than the constitutional period, which it will be the duty of Congress, or the Executive branch of the Government, to fix at such time as shall be deemed most proper and expedient: That it is, however, necessary that the suspension of the non-importation acts which is contemplated should be enacted at the present session of Congress: and for this purpose and the imposition of additional duties on foreign tonnage, they beg leave to report a bill. They also report herewith a correspondence between the Secretary of the Treasury and this committee on the subject of this report.

*Letter from the Chairman of the Committee of Ways and Means to the Secretary of the Treasury:*

COMMITTEE-ROOM, Feb. 3, 1813.

SIR: I am directed by the Committee of Ways and Means to request from you the favor of a reply to the following questions:

1. What, in your opinion, would be the probable amount of revenue applicable to the service of the year 1814, which would result from a modification or partial repeal of the non-importation acts, such as is suggested in your letter, of the 10th of June, 1812, addressed to the Committee of Ways and Means?

2. Is the modification suggested by that letter the best in your opinion that can be devised to obtain a given revenue, with the least possible diminution of the effects of the non-importation acts? If not, be pleased to suggest such alterations and improvements as occur to your mind.

3. Are there, in your opinion, any further legal provisions necessary, or will any be expedient, more effectually to enforce the non-importation acts, or to insure the more effectual collection of the revenue?

4. Would it, in your opinion, be advisable to increase the duty on foreign tonnage? If it would, to what amount? and what would be the probable addition to the revenue applicable to the year 1814 by such increase? I am, &c.,

LANGDON CHEVES.

HON. ALBERT GALLATIN, &c.

*Answer of the Secretary.*

TREASURY DEPARTMENT, Feb. 9, 1813.

SIR: I have the honor to submit the following answer to the questions proposed in your letter of the 3d instant:

1. It is believed from the reasons stated in my letter of the 10th June last to the Committee of Ways and Means, that the amount of revenue applicable to the service of the year 1814, which would result from a modification of the non-importation acts suggested in the said letter, may be estimated at about five million of dollars, provided that modification takes place during the present session of Congress.

2. No better modification, for the purposes therein intended, has suggested itself than that proposed in the letter aforesaid. But it would seem requisite, for the same object, that no drawback should be allowed on the re-exportation of the merchandise which may be thus imported.

3. The most important legal provision which appears necessary to enforce the non-importation acts, is a positive prohibition of a restoration by order of court of merchandise, the importation of which is prohibited by law. It is also believed that it will be necessary to order all the cargoes of salt, particularly from Lisbon, to be discharged under the inspection of proper officers; and it appears reasonable that the expense should be defrayed by the importers.

4. It appears, in every point of view, highly desirable, that the duty on foreign tonnage should be increased. A duty of ten dollars per ton does not seem greater than what is required for the protection of American vessels. But I cannot form any correct estimate of the probable addition resulting to the revenue from such increase. Much would depend on the suppression of the trade carried on by American vessels with enemies' licenses.

With respect to the necessity of providing an additional revenue for the year 1814, I beg leave to refer to the statements made and opinions expressed, when I had the honor several weeks ago to wait on the Committee of Ways and Means. And I beg leave to add that this necessity has been considerably increased by the subsequent expenditures authorized by law; amongst which must be particularly mentioned the act for the increase of the navy, and that for raising twenty thousand men for one year. Indeed, considering the general rate of expenditure resulting from the war measures which have been adopted, I am of opinion it will be necessary to recur both to a modification or repeal of the non-importation acts and to the proposed internal taxes, in order to provide a revenue commensurate with those expenses. When an additional revenue of five millions was believed sufficient, that opinion was predicated on the supposition made by the committee, that annual loans of only ten or twelve millions of dollars would be wanted. With a revenue of twelve millions of dollars for this year, it is ascertained that a loan of at least sixteen millions is necessary.

I have the honor to be, &c.,

ALBERT GALLATIN.

HON. LANGDON CHEVES, *Chairman, &c.*

The report and documents were read.

Mr. CHEVES then introduced the bill above mentioned, which was read the first time, and ordered to be read a second time by a vote of 44 to 36.

TUESDAY, February 16.

Mr. MILNOR presented a memorial of the Pennsylvania Society for promoting the Abolition of Slavery, complaining that American vessels, navigated by American citizens, are engaged in the African slave trade, under the flags of foreign nations, and praying that Congress will take this subject into consideration, and pass such laws as will remedy the evil of which they complain.—Referred to a select committee; and Mr. MILNOR, Mr. ROBERTSON, Mr. GROSVENOR, Mr. WHEATON, and Mr. EARLE, were appointed the committee.

FEBRUARY, 1818.]

War Taxes.

[H. OF R.]

*Naturalisation Laws.*

On motion of Mr. LACOCK, the House resolved itself into a Committee of the Whole, on the bill to amend the naturalization laws of the United States; which, having been amended in committee, was reported to the House.

Mr. LACOCK moved to amend the bill by extending the naturalization of aliens to all those "who have heretofore or may within nine months hereafter, declare their intention agreeably to law to become citizens of the United States," and declaring that they may be admitted as such.

This motion was negatived.—For the amendment 45, against it 48.

On the question of concurrence with the committee in striking out the second section of the bill, which deprives of his right to the privileges of citizenship any citizen who shall depart from and remain without the limits of the United States for a term of two years—the yeas and nays were, for striking out the section 71, against it 48.

The bill having been thus amended, was ordered to be engrossed for a third reading.

WEDNESDAY, February 17.

The engrossed bill supplementary to the several acts on the subject of a uniform rule of naturalization, was read a third time.

Mr. BACON opposed its passage on the ground of the impolicy of encouraging the emigration of alien enemies during the existence of war; and concluded a short speech against the bill by moving its commitment to a Committee of the Whole.

Mr. GRUNDY supported the motion on the ground of defects in the detail of the bill, which he wished to amend.

The motion for recommitment was carried by a large majority, and the bill made the order of the day for Monday.

*War Taxes.*

Mr. LITTLE introduced the following resolution, with some remarks in favor of the policy of the non-importation act, to which he avowed himself to be very friendly, and to the suspension of which he was opposed:

"Resolved, That the Committee of Ways and Means be, and hereby are, instructed to report to this House a bill or bills laying taxes for the support of the War."

The question of considering of this resolution was decided in the affirmative, by yeas and nays—for consideration 66, against it 38.

The resolution being thus presented to the House for its adoption—

A desultory debate of two hours took place on it, in the course of which a motion was made by Mr. GRUNDY to lay the resolution on the table, and negatived—60 to 45.

The following was the course of the debate,

which was of too irregular a nature to be reported entire:

Mr. GRUNDY opposed the motion, because it had already been declared impracticable, by the Committee of Ways and Means, to act properly on the subject at the present session.

Mr. LITTLE supported it, on the ground of his opposition to a suspension of the non-importation act, a measure which he reprobated as injurious to the manufactures of our country, and weakening our measures against Great Britain, of which he considered the non-importation act to be as powerful as any.

Mr. STOW advocated the motion, because he wished the House to redeem the pledge given at the last session, that taxes would be laid at this, and to observe something like consistency in their proceedings.

Mr. WRIGHT was also warmly in favor of the measure, and rather imputed blame to the Committee of Ways and Means for not having before acted on this subject, without waiting for instructions from the House.

Mr. BICE replied to the remarks which had been made in favor of the resolution. At the last session it was presumed that it would be necessary to lay taxes at this session; but the revenue accruing in the intermediate time had swelled so far beyond its anticipated amount as to render it unnecessary to levy taxes for the service of the ensuing year.

Mr. WRIGHT again spoke in favor of the motion.

Mr. RICHARDSON was decidedly in favor of a repeal or modification of the non-importation act, though he believed both that measure and the imposition of taxes would be necessary to supply the revenue.

Mr. MCKIM was in favor of the motion, because he was opposed to the suspension or weakening of the non-importation act.

Mr. CHEVES spoke at length in defence of the Committee of Ways and Means, and in demonstration of the impracticability of acting on the subject properly at the present session. Sitting day and night, and passing by all other business, a proper system of taxation could not be digested and put into the form of law before the end of the session. Two only out of fourteen of the bills it would be necessary to pass to carry the system proposed at the last session into effect, would require the whole of the present session to perfect them. The passage of a system of taxation, besides, would not obviate the necessity of the passage of the law suspending partially the non-importation act. It would require both. The taxes, he agreed, must be laid, but could not at the present session.

Mr. WRIGHT replied.

Mr. STOW again spoke. He would, if all the tax bills could not be passed, at least pass one, and break the charm which seemed to withhold the House from touching the subject.

Mr. ACHER moved to strike out the whole of the resolution, for the purpose of inserting an instruction to the Committee of Ways and Means to report a bill or bills, pursuant to the

report of the Committee of Ways and Means on this subject, which passed the House on the 4th day of March, 1812.

This modification of the motion was accepted by Mr. LITTLE.

Mr. CHEVES then withdrew his objection to the motion, as it contained a definite instruction, and he felt a delicacy as a member of the Committee of Ways and Means in opposing it, though he was convinced it would be impracticable to pass the bills at the present session.

Mr. ROBERTS opposed the motion, and expressed his regret that the discussion, which was fixed for to-morrow, should be forestalled by this resolution.

Mr. JOHNSON warmly opposed the motion, as going to cast censure on a committee which had labored day and night in its vocation, and requiring them to originate measures which they had already declared it impracticable to act on at the present session, &c.

Mr. WIDGERY also spoke against the motion, decidedly.

The question on the adoption of the resolution as modified by Mr. ARCHER, was decided in the negative—yeas 47, nays 69.

THURSDAY, February 18.

#### *Encouragement to Privateering.*

On motion of Mr. LITTLE, the House resolved itself into a Committee of the Whole, on the bill remitting the claim of the United States to certain goods, wares, &c., captured by the private armed vessels of the United States.

Mr. McKIM, under the belief that the bill as it now stands does not place privateers on a better footing than before, and does not answer the object intended by the resolution which produced it, proposed the following substitute by way of amendment:

"That all right and claim of the United States to British property, which may have been captured by American privateers, arising from forfeiture under any provision of the act entitled 'An act to prohibit commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,' and an act entitled 'An act concerning the commercial intercourse between Great Britain and France and their dependencies, and for other purposes,' and an act supplementary to the last mentioned act, be, and the same is hereby relinquished for the benefit of the owners, officers, and crews of the privateers respectively that may have captured the same."

This amendment produced some discussion, in which Messrs. McKIM and WRIGHT advocated the motion, and Messrs. ROBERTS and FISK opposed it; when the question was taken and lost, without a division.

Mr. ROBERTS moved to amend the bill, so as to include captures made of goods which were shipped anterior to as well as since the declaration of war was known in England. This amendment was adopted, 46 to 32.

The committee then rose, reported the bill to the House, as amended; the amendments were

concurred in, and the bill ordered to be engrossed and read a third time to-morrow, 47 to 32.

FRIDAY, February 19.

Another member, to wit, from New Hampshire, GEORGE SULLIVAN, appeared, and took his seat.

#### *Encouragement of Private Armed Privateering.*

The engrossed bill to release the claims of the United States on certain goods, wares, and merchandise, captured by private armed vessels, was read a third time, and debated.

The bill was passed by the vote, by yeas and nays—for the bill 52, against it 38:

#### *Capture of the Java.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of Representatives of the United States:*

I lay before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States frigate "the Constitution," reporting his capture and destruction of the British frigate "the Java." The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing, in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize.

FEB. 22, 1813.

JAMES MADISON.

U. S. FRIGATE CONSTITUTION,  
ST. SALVADOR, January 3d, 1813.

SIR: I have the honor to inform you that, on the 29th ultimo, at 2 P. M., in south latitude  $13^{\circ} 6'$ , and west longitude  $88^{\circ}$ , about ten leagues distant from the coast of Brazil, I fell in with, and captured, His Britannic Majesty's frigate Java, of 49 guns, and upwards of four hundred men, commanded by Captain Lambert, a very distinguished officer. The action lasted one hour and fifty-five minutes, in which time the enemy was completely dismasted, not having a spar of any kind standing. The loss on board the Constitution was nine killed and twenty-five wounded, as per enclosed list. The enemy had sixty killed and one hundred and one wounded, certainly; (among the latter, Captain Lambert, mortally;) but by the enclosed letter, written on board this ship, by one of the officers of the Java, and accidentally found, it is evident that the enemy's wounded must have been much greater than as above stated, and who must have died of their wounds previously to their being removed. The letter states sixty killed and one hundred and seventy wounded.



For further details of the action, I beg leave to refer you to the enclosed extracts from my journal. The Java had, in addition to her own crew, upwards of one hundred supernumerary officers and seamen, to join the British ships of war in the East Indies; also, Lieutenant General Hислоp, appointed to the command of Bombay, Major Walker, and Captain Wood, of his staff, and Captain Marshall, master and commander in the British navy, going to the East Indies to take command of a sloop of war there.

Should I attempt to do justice, by representation, to the great and good conduct of all my officers and crew, during the action, I should fail in the attempt; therefore, suffice it to say, that the whole of their conduct was such as to merit my highest encomiums. I beg leave to recommend the officers particularly to the notice of Government, and also the unfortunate seamen who were wounded, and the families of those brave men who fell in the action.

The great distance from our own coast, and the perfect wreck we made of the enemy's frigate, forbade every idea of attempting to take her to the United States. I had, therefore, no alternative but burning her, which I did on the 31st ultimo, after receiving all the prisoners and their baggage, which was very tedious work, only having one boat left out of eight, and not one boat left on board the Java.

On blowing up the frigate Java, I proceeded to this place, where I have landed all the prisoners, on their parole, to return to England, and there remain until regularly exchanged, and not to serve in their *professional capacities*, in any place, or in any manner whatever, against the United States of America, until said exchange is effected. I have the honor to be, &c.

WILLIAM BAINBRIDGE.

HON. PAUL HAMILTON, *Secretary Navy.*

TUESDAY, February 23.

*The Frigate Constitution.*

The House resolved itself into a Committee of the Whole on the bill, reported by the Naval Committee this morning, to compensate the officers and crew of the United States frigate Constitution for the destruction of the British frigates Guerriere and Java. [This bill provides that — dollars shall be paid out of the Treasury to Captain Hull and the officers and crews of the Constitution frigate, and a like sum to Captain Bainbridge and his crew, for their two gallant achievements; and appropriate a sum of — dollars therefor.]

Mr. BASSETT moved to fill the first blank with fifty thousand dollars.

After some conversation between Messrs. BASSETT, ELY, STOW, and MILNOR, on the propriety of making a general instead of a special provision on this head, as recommended by the President, the question on filling the first blank with fifty thousand dollars was carried in the affirmative, ayes 60.

The second blank was then filled with one hundred thousand dollars.

The committee rose and reported the bill; and the amendments were concurred in.

The bill was then ordered to be engrossed, and read a third time.

WEDNESDAY, February 24.

*The Frigate Constitution.*

The bill making compensation to the officers and crew of the frigate Constitution for the destruction of the British frigates Guerriere and Java, was read a third time and passed, by yeas and nays. For the bill 61, against the bill 89.

*Order in Council.*

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of*

*Representatives of the United States:*

I lay before Congress copies of a proclamation of the British Lieutenant Governor of the island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British Order in Council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the Colonial Governors, which confines licensed importations from ports of the United States, to the ports of the Eastern States exclusively.

The Government of Great Britain had already introduced into commerce during war, a system, which, at once violating the rights of other nations, and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world, introduces into her modes of warfare a system equally distinguished by the deformity of its features, and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts, the one from the other.

The general tendency of these demoralizing and disorganizing contrivances will be reprobated by the civilized and Christian world; and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the Eastern States, will not fail to call forth all their indignation and resentment, and to attach more and more all the States to that happy Union and Constitution, against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever, by citizens or inhabitants of the United States, under special licenses, whether relating to persons or ports; and, in aid thereof, a prohibition of all exportations from the United States in foreign bottoms—few of which are actually employed—whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

FEBRUARY 24, 1813.

The Message and accompanying documents were referred to the Committee on Foreign Relations.

*Extra Session.*

The House went into Committee of the Whole

on the bill to alter the time of the next meeting of Congress—a motion being under consideration to fix on the fourth Monday in October.

Mr. GRUNDY spoke in reply to some observations of Mr. JOHNSON (on yesterday) in favor of that day. Mr. G. was decidedly in favor of meeting in May; he believed it necessary to the support of public credit that the House should meet in May. Had not the Committee of Ways and Means first taught him that an early session was necessary with that view, if revenue should not, as it would not, be provided at this session, he should not have been found advocating an extra session. The House had been told by their financial committee, that it was indispensably necessary forthwith to provide a revenue; and that a paper system, without a foundation of permanent revenue, would involve the nation in disgrace or irretrievable ruin. Mr. G. quoted various reports of the Committee of Ways and Means to show that they had made such statements. With these facts staring him in the face, how could he do otherwise than urge an early session? If it was indispensably necessary a day or two ago to provide a revenue, what had since occurred obviating that necessity? Nothing. War had been declared, and it was the duty of those who declared it to provide the ways and means of carrying it on. Mr. G. protested against the idea which had been advanced of giving enormous interest for loans, and against accumulating a large debt, almost without the knowledge of the people on whom it would be saddled, and expressed his determination, as far as lay in his power, to go on and provide the ways and means.

SATURDAY, February 27.

#### *Power of Retaliation.*

The bill giving to the President of the United States the power of retaliation in certain cases therein mentioned, was read a third time.

A motion was made by Mr. QUINCY to adjourn—lost, 56 to 16.

The bill was then passed by the following vote:

YEAS.—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William Kennedy, William R. King, Peter Little, William Lowndes, Thomas Moor, William McCoy, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Adam Seybert, Samuel Shaw, George Smith, John Taliaferro, Charles Turner, jr., Robert Whitehill, David R. Williams, and Robert Wright.

NAYS.—Abijah Bigelow, Elijah Brigham, Epaph-

roditus Champion, Martin Chittenden, James Emmet, Asa Fitch, Thomas P. Grosvenor, Lyman Law, Jos. Lewis, jr., Jonathan O. Mosely, Elihu R. Potter, Josiah Quincy, William Reed, William Rodman, Daniel Sheffey, Richard Stanford, and Leonard White.\*

MONDAY, March 1.

#### *Foreign Licenses.*

An engrossed bill to prohibit the use of licenses or passes, issued under the authority of any foreign Government, was read the third time.

And on the question, "Shall this bill pass?" it passed in the affirmative—yeas 59, nays 32.

#### *Relations with France.*

Mr. GOLDSBOROUGH, after observing on the propriety of the House having all the information on foreign affairs which was accessible; and remarking, also, that they were much in the dark in respect to our relations with France, moved the following resolution:

*Resolved*, That the President of the United States be requested to cause to be laid before this House the French decree, purporting to be a repeal of the Berlin decrees, referred to in his Message of the 4th of November last; together with such information as he may possess concerning the time and manner of promulgating the same; and, also, any correspondence or information touching the relations of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President, it is not incompatible with the public interest to communicate.

And on the question to agree to the same, it passed in the affirmative—yeas 102, nays 4.

Mr. GOLDSBOROUGH and Mr. KENNEDY were appointed a committee to present the said resolution to the President.

On motion, the House adjourned.

TUESDAY, March 2.

#### *Non-Exportations in Foreign Bottoms.*

The House again resolved itself into a Com-

\* The following is the act as passed:

*Be it enacted*, &c., That in all, and every case, wherein, during the present war between the United States of America and the United Kingdom of Great Britain and Ireland, any violations of the laws and usages of war among civilized nations, shall be or have been done and perpetrated by those acting under authority of the British Government, on any of the citizens of the United States, or persons in the land or naval services of the United States, the President of the United States is hereby authorized to cause full and ample retaliation to be made, according to the laws and usages of war among civilized nations, for all and every such violation as aforesaid.

*Sec. 2. And be it further enacted*, That, in all cases where any outrage or act of cruelty or barbarity shall be or has been practised by any Indian or Indians, in alliance with the British Government, or in connection with those acting under the authority of the said Government, on citizens of the United States or those under its protection, the President of the United States is hereby authorized to cause full and ample retaliation to be done and executed on such British subjects, soldiers, seamen, or marines, or Indians, in alliance or connection with Great Britain, being prisoners of war, as if the same outrage or act of cruelty or barbarity had been done under the authority of the British Government.

Approved, March 2, 1812.

mittee of the Whole, on the bill prohibiting the exportation of certain articles therein specified, in foreign vessels.

Mr. CLAY spoke at considerable length in favor of this bill, as forming a complete system, connected with one which passed the House the other day, prohibiting the use of foreign licenses on board vessels of the United States, suited to the present relations of the United States, and to the proper action on the enemy.

Mr. ROBERTSON spoke as follows: Mr. Chairman, I do not often trespass on the patience of the House, but I request their attention whilst I state a few of the reasons which compel me to oppose the bill now under consideration.

I am the more disposed to do this, because my opposition arises from considerations in a great measure peculiar to myself, and because I differ with gentlemen in the correctness of whose opinions I usually concur. Without, then, considering the principles it involves, I reject this bill, because it is not in fact what it professes to be; it is not a restrictive measure; its provisions may operate prejudicially on ourselves, but cannot affect the enemy. In one of two general systems, I might go along with gentlemen. Let us have non-importation, non-intercourse, and embargo—thus the restrictive system may have its full bearing; let us refuse to purchase manufactures of the British; let us refuse to furnish them with provisions, then we may be consoled for the privations which we ourselves must experience, by reflecting on the great evils which we inflict on the enemy.

I can but smile at the patriotism of honorable gentlemen, who affect to starve the English by refusing to buy their manufactures, whilst they inundate the army, the navy, the colonies of that nation, with a profusion of all the necessities and luxuries of life—they will starve a few miserable manufacturers, whilst they industriously feed their armed men. With the most glaring and barefaced inconsistency, they object to admitting into our markets any the minutest article of British manufacture, that the inhabitants may perish for the want of means to purchase bread; whilst bread is exported with a hope that it should, indeed a perfect certainty that it will be consumed by this same people. I cannot concur in these half-way measures. I voted for a repeal of the non-importation act. I hoped that commerce, sufficiently hazardous and fettered by the present state of the world, would cease to be shackled by ourselves. I hoped, that now the sword was drawn, we should carry on war in the usual and accustomed manner—that the Government would be aided by the receipt of revenue arising from duties and imposts—that the people would be thus partially relieved from taxes—that the nation would be strengthened and inspired by an accession of wealth, now more than ever necessary.

But whatever, sir, might be my opinion of this bill, viewed as a restrictive measure; for other considerations it meets with my decided

disapprobation. We prohibit neutrals, from clearing out from our ports with the productions of our country, whilst our own vessels are left free to do so. We deny to them that commerce, which as a neutral we formerly enjoyed. Heretofore we complained of the injustice of belligerents, and now that we are engaged in war, and that too for *neutral rights and free trade*, we are about to practise similar abuses. Aware that some apology would be deemed necessary, we call it a municipal regulation; it may be so—and perhaps we are borne out by strict law; but we attempt a justification on the ground of cutting off our enemy from supplies, of which he stands in need, and which, notwithstanding his perilous situation, he dares to hope to receive through a train of insolent artifices, derogatory to the integrity of the Union, and disgraceful to those with whom they shall prevail.

Now, sir, if the measure proposed could in any way counteract his views—if it went the full length of preventing him from procuring the various articles which his necessities require, I confess it would be inflicting a punishment, which not only the laws of war would authorize, but which the unprecedented baseness of his late attempt most loudly calls for; but no such effect will be produced. For what is there to prevent our vessels from transporting the products of the United States to Amelia, Pensacola, St. Bartholomews, there to be deposited, and thence carried in neutral or British bottoms to Jamaica, the Bahamas, or wheresoever else they may be wanted? And again, if, notwithstanding the hostile attitude in which we stand in relation to each other England is compelled to encourage a trade by license, will not her necessities equally induce her to connive at exportation? Can it be doubted, that her armed vessels would not be instructed to allow our provisions to pass unmolested, when, by pursuing a contrary conduct, she would be starving her own colonies? And is it not clear that a traffic, which the war prevents from being direct, would continue to be carried on, as it is at present, through intermediate ports?

Mr. Chairman, the present scheme seems to me to be merely calculated to produce vexation and embarrassment at home; to operate with peculiar hardship on neutral rights, without inflicting on the enemy any injury commensurate with these evils. Sir, if gentlemen wish to reap the full effect of a restrictive system, that system must be rigid and complete. Let our ports be sealed; let there be neither egress nor ingress; let us neither buy nor sell, and let us prepare to bear the positive burdens of active war. No section of our widely-extended Union could then complain of *peculiar* oppression. The plan would present itself to us, recommended, at least, by the generality of its operation; by the impartiality of its character. But, if this cannot be done, if the shipping interests of some of the States, and the manufacturing establishments of others, must be encouraged, and

If others still must sell their wheat and flour, let us pursue the opposite course; let us sweep restrictive measures by the board; thus should we enjoy all the advantages which would result to the Government from imposts, all the benefits that would accrue to individuals from exports. In either of these modes of proceeding I might concur; but I cannot consent to the plan now submitted, nor acquiesce in the wisdom or policy of our existing regulations. They are not promotive of the general welfare, but, on the contrary, are ruinous to the interests of that portion of the Union whose interest it is peculiarly my duty to protect. Yet, I cannot help observing that, however under their oppressive operation commerce languishes, and Southern agriculture is completely annihilated, they are tolerated by the Eastern States, because they promote their domestic manufactures, and impoverish and embarrass the Government; and they are advocated and supported by the Middle States, because they consider, or affect to consider them, as very patriotic; because they inflict privations, which, by-the-by, they do not feel; and, finally, because, nevertheless, they are enabled to sell off, at excellent prices, the productions of their farms. Thus, sir, a feast is spread before us; but it is served up, however splendidly and abundantly, in shallow dishes; and, while the foxes of the Eastern and Middle States lap up the soup with great dexterity, the storks of the Mississippi, Mobile, and Altamaha, look on, perhaps with admiration, but certainly with no satisfaction whatever. While, sir, the spleen of hostility towards the Government is gratified, while the manufacturing establishments of the East are promoted, while the middle section of the Union disposes of, at high prices, the abundant harvest of their fields, what becomes of the commerce of our country? What fate befalls the agriculture of the South? Our cotton rots on the stalk. From this proscription of foreign manufactures, the grower of the raw material is irretrievably ruined. Possibly he may sell an inconsiderable portion of his crop, for contemptible prices, to domestic manufacturers, while he is compelled to buy, at enormous rates, the articles which his wants require. If he wishes to sell, he finds no competition among purchasers. Does he find it necessary to purchase, he suffers equally from the want of competition among those who sell.

A debate of considerable length took place, in which Mr. CALHOUN supported the bill, though opposed to the amendment made on motion of Mr. QUINCY in Committee of the Whole.

Mr. GROSVENOR spoke as follows:

Mr. Speaker: When I had the honor to address you, on a measure which has finally passed this House, I stated, at some length, my reasons for believing that the Government had no serious intention to pass the bill now before you. But, sir, from a furious zeal, this day manifested in a certain quarter, to drive the measure through this House, I fear I was mistaken.

I therefore deem it an indispensable duty, in the name of the commercial and agricultural districts which I represent, to enter my solemn protest against this new project of the Government.

I shall not enter into any argument, to show the impolicy, the injustice, and the danger of such a measure, considered as a measure of non-exportation. The task has been most ably and successfully performed by an honorable gentleman from South Carolina, (Mr. LOWNDES;) he has shown, that connected with the maritime power of the enemy, and with other bills already passed this House, this measure has all the blasting qualities, without even the few equivocal benefits of a broad restrictive system; and he has demonstrated the irreparable mischiefs which must result from such weak and mongrel measures. His reasoning has not been met—it cannot be refuted—I will not weaken its effect on the House, by attempting to enforce it.

My principal object in rising, was to examine the grounds upon which the honorable gentleman from South Carolina, (Mr. CALHOUN,) who last addressed you, has rested his justification of the measure. He has assured us, that it is not at all intended as a part of any new system; that its object is in no respect a prohibition of free and fair exportation. Sir, whatever gentlemen may intend, it is too palpable for denial, that this measure is, in truth, a restrictive and an anti-commercial measure, and in conjunction with the license bill already passed, must operate (as far as such weak and unnatural measures can operate) as a broad and iron system of non-exportation.

But, sir, what are the intention and the objects of the bill according to the view of that honorable gentleman: "To avenge insult"—"to retaliate on the enemy his attempts to destroy us"—"to carry to his own lips his own poisoned chalice." And where are these insults, these injuries, these vital attempts of the enemy to be found? Henry's celebrated mission, after rioting for a time on the spoils of the Treasury, has found the tomb of the Capulets. And although its ghost seems to haunt the honorable gentleman from South Carolina, yet sure I am, that a thing of air would not have inspired him with all those bitter feelings which he has poured forth upon the enemy.

No, sir, it is the last Message of the President which contains all this dreadful matter. In that Message came before us an Order in Council by the Prince Regent, and a letter from a British Secretary, to a West India Governor. Sir, by that order, certain West India ports are opened to the importation of articles which they wish to purchase, and to the exportation of produce which they wish to sell. This is no new practice; in every European war, the belligerent mother country has never failed to open some of her colonies to neutral commerce. By this order nothing more is done, and so far from any insult or injury to us in the body of the order, our nation is not even named.

The honorable gentleman from South Carolina (Mr. LOWNDEN) has pertinently asked, to what extent you would carry your new principles of honor and retaliation. The enemy spares the commerce of the East, and destroys that of the South; you must equalize them by destroying the former. You cannot stop here. If the enemy *blockades* the South, you must *embargo* New England. If he burns Charleston and Norfolk, you must burn New York and Boston. In fine, any thing spared in one section of the Union by the enemy, which he has the power to destroy, and not spared in another, must be destroyed by our Government, by way of equalizing the burdens of the war.

The gentleman from South Carolina, (Mr. CALHOUN,) to whom I have so often alluded, was disposed highly to compliment the people of the Northern States. He declared his full confidence in their fidelity, patriotism, and honor, and he believes that they will not only spurn with contempt the attempt to seduce them, but will hail the present measure as just, honorable, and wise. Sir, the patriotism of that people is undoubtedly as warm and as disinterested as that of any people on this globe; and if, indeed, this were an attack on their honor, they would need no such law as this to teach them their duty, or to compel them to perform it. But, sir, I do not believe that their patriotism will feel insulted. They will hardly be satisfied by flattery and compliment for this attack upon their commerce. I would not be surprised if they should answer the honorable gentleman somewhat in this manner: "Hands off, Mr. CALHOUN, if it please you; we do not dislike your compliments; indeed, we are pleased with the notes of this new tune from the South. We will do any thing in reason to oblige you; but really, sir, to be complimented out of our commerce; to be flattered into poverty; to be cowed into service, is a little more than the rules of civility demand."

It has been avowed on this floor, [by Mr. Speaker CLAY,] that this bill is only one part of a contemplated system of rigid non-exportation. Have gentlemen reflected on the disastrous consequences of such a system at the present time? The district which I have the honor to represent, is a portion of an extensive tract of mercantile and agricultural country, extending up the Hudson River far into the interior of New York. The merchants and farmers of that country did believe, that when you appealed to arms, your restrictive system was at rest forever. They had a right so to believe, from the declarations of gentlemen on this floor, and from the unequivocal conduct of Government. Under this belief, during the present winter the merchants have constantly purchased produce at high and advanced prices. In the numerous villages scattered on either side of the Hudson River, and over immense tracts far to the west of it, the stores are groaning with the

productions of their soil. Sir, when the Spring opens, they will find all their prospects blasted, and bankruptcy staring in their faces. Through the whole frozen interior of the North and East, the condition of the merchants and farmers is similar, and similar disastrous consequences will be realized.

We are involved in war with a nation powerful in her resources, clothed in complete armor, and to whom, from long habit, a state of warfare has become almost a national condition. We need all our resources and all our energies to save this war from a disgraceful conclusion. What then but madness can dictate a policy tending to dry up our resources and paralyze our energies. Wounded by the spear of war, what but downright political quackery could prescribe those "restrictive" nostrums, to restore the nation to health and vigor? Are the old chimerical notions of *starving* the enemy, yet floating in the brains of gentlemen? In despite of experience, do they yet believe that our blessed country *alone* can produce food for the world? Are the countries of the Baltic and Caspian Seas no longer cultivated? Has the Nile ceased to fructify the fields of Egypt? Have Sicily and the Barbary coasts returned to a barren state of nature? Has France herself agreed to bury her surplus breadstuffs in the earth? Or has England lost that ascendancy on the ocean, and forgot all those commercial arts, by which she was wont to procure supplies from all those countries? Seven years of restrictions have in vain been tried. Your enemy has laughed you to scorn, and your own people have cursed the policy that crushed their prosperity. There is no doubt that, as at the time you laid the embargo, the closing of your ports now, might produce a temporary inconvenience to the enemy; but the measure would finally and permanently recoil on our merchants, and even farmers. These men have, therefore, a deep and vital interest in this question. Twice already they have been sacrificed to test the efficacy of our "restrictive energies."

Do you intend again to stretch them on the rack, again to cover the country with sackcloth and ashes? Is another brood of "restrictive" harpies, more unseemly and more hungry than their predecessors, to be let loose among them? And is this bill a pioneer to the new swarms of "continental" locusts?

Mr. Speaker, I shudder when I behold that anti-commercial demon, which for seven years has been glutted with the mangled limbs of commerce, still hovering about this bill. The deluded people did believe that, when "you let slip the dogs of war," the monster had fallen, never again to trample down their rights, or devour the remnant of their prosperity. They were mistaken. He has risen invigorated from the blow; like the horse leech, he continues to cry, "give, give!" He never will be satisfied while the farmers of the North and the East are prosperous and powerful, or

while the ships of an independent merchant float safely and successfully on the ocean. Sir, I do trust in Heaven, that the people of this Union will not sleep forever—I do trust, that the time is not far distant when the rulers of this nation shall be compelled again to travel in the paths of peace, commerce, and honor. I do trust that this new system, fraught as it is with new destruction, will meet an effectual overthrow. On this floor, I have no hope of such an event. The current of influence is here too strong to be resisted. But if the God of nations "doth seek our rulers, and hath given our Senators wisdom," it must find its grave in the other branches of the Government.

Mr. QUINCY opposed the bill, and after some remarks from Mr. BLACKLEDGE in reply to him, the question on concurring with the Committee of the Whole in their amendment was taken, to wit: to strike out from the fifth line of the first section, the words, "and every," and to insert "wheat, flour, rice, cotton, tobacco, indigo, tar, pitch, or turpentine, or any other article, the growth, produce, or manufacture of the United States:" And passed in the affirmative—yeas 69, nays 29.

#### *Constitution and Java.*

The House took up for consideration the resolution from the Senate requesting the President of the United States to present to Captain William Bainbridge a gold medal, with suitable inscriptions, and to the officers of the frigate Constitution silver medals, in testimony of the high sense entertained by Congress of their gallantry and skill in achieving the capture and destruction of the British frigate Java; which was read three times, and passed.

#### *Bounty to Privateers.*

The House went into a Committee of the Whole on the bill allowing a bounty to privateers; but the committee being unable to progress for want of a quorum, it rose and reported the fact to the House; and the bill and report were ordered to lie on the table, and the House adjourned.

WEDNESDAY, March 3.

#### *Navy Yards.*

On motion of Mr. REED,

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to report to this House, at the next session of Congress, a statement of the number of Navy Yards belonging to, and occupied for the use of the United States; the accommodations provided in each, with the number of officers and men attached to each, with their rank and pay; also, the quantity and species of timber provided in each. Also, a statement of the expenditures made in each yard during the years 1811 and 1812; the number of vessels required during

that time, with the species, quantity, and cost of repairs on each vessel, and the manner in which such repairs have been made, whether by contract or otherwise, and the terms. Also, the amount of timber provided under the law making an annual appropriation of two hundred thousand dollars, with a statement of the contracts made under said act, and the terms thereof: Also, the number of officers in the naval service of the United States, their rank, pay, and employ.

#### *Encouragement to Privateers.*

The bill allowing a bounty to privateers was passed through a Committee of the Whole, and ordered to lie on the table, under the impression that it could not be acted on at the present session.

EVENING SITTING, 5 o'clock.

#### *Thanks to the Speaker.*

On motion of Mr. SAWYER,

*Resolved unanimously*, That the thanks of this House be presented to HENRY CLAY, in testimony of their approbation of his conduct in the discharge of the arduous duties assigned him while in the Chair.

Whereupon, the Hon. SPEAKER rose and made the following observations:

"I thank you, gentlemen, for the testimony you have just so kindly delivered in approbation of my conduct in the Chair. Amidst the momentous subjects of deliberation which undoubtedly distinguish the 12th Congress as the most memorable in the annals of America, it has been a source of animating consolation to me, that I have never failed to experience the liberal support of gentlemen in all quarters of the House. If in the moment of ardent debate, when all have been struggling to maintain the best interests of our beloved country as they have appeared to us respectively, causes of irritation have occurred, let us consign them to oblivion, and let us in the painful separation which is about to ensue, perhaps forever, cherish and cultivate a recollection only of the many agreeable hours we have spent together. Allow me, gentlemen, to express the fervent wish that one and all of you may enjoy all possible individual happiness, and that in the return to your several homes you may have pleasant journeys."

#### *Closing Business.*

On motion of Mr. DAWSON, a committee was appointed, jointly with a committee to be appointed by the Senate, to wait upon the President of the United States, and inform him that the two Houses are now ready to adjourn, and desire to know whether he has any further communication to make to them during the present session.

Messrs. DAWSON and GROSVENOR were appointed the committee on the part of the House.

The Senate agree to the resolution for the appointment of a joint committee to wait on

the President of the United States, and notify him of the proposed recess of Congress, and have appointed a committee on their part.

For some time a quorum was not present.

Bills from the Senate were waiting. A call of the House was had, and it appeared

that sixty-four members only were present.

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